

FOR IMMEDIATE RELEASE

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**Hackensack Riverkeeper and NY/NJ Baykeeper Question Legality of NJDEP's
New Proposal Regulating Public Access**

In an [open letter](#) addressed to the sponsors of the public access consensus bill, S-2490, Senators Bob Smith (D-17) and Christopher "Kip" Bateman (R-16), and the Chair of the Assembly Environment and Solid Waste Committee, Assemblyman Tim Eustace (D-37), attorneys for Hackensack Riverkeeper and NY/NJ Baykeeper question the legality of the Department of Environmental Protection's (Department) recent public access rule proposal.

To view NY/NJ Baykeeper and Hackensack Riverkeeper's letter, [click here.](#)

Published today in the September 6, 2016 New Jersey Register, the Department's rule proposal seeks to modify portions of the 2012 public access rules governing the Department's Municipal Public Access Plan program while leaving intact the majority of the 2012 rules. As explained in the letter, the Department is "blatantly ignoring the New Jersey Superior Court, Appellate Division's December 2015 opinion that struck down the Department's 2012 public access rules."

This rule proposal, in addition to the Department's opposition to consensus bill S-2490, highlights the Department's disregard of the efforts made by the Public Access Task Force, an inclusive task force comprised of stakeholders representing advocates, fishing groups, business interests, and municipalities. Attorneys for the organizations warned in the letter regarding the Department's rule proposal:

"If the Department continues to act in clear violation of the Appellate Court's ruling, by proposing and adopting rules that are just as flawed as the 2012 rules, our organizations will be forced to return to court to protect the rights of New Jersey

citizens guaranteed by the Public Trust Doctrine and once again the Department will expend considerable time and resources trying to justify initiating a program for which it has no legislative authorization.”

Hackensack Riverkeeper and NY/NJ Baykeeper urge the Department to rescind its rule proposal while the Legislature continues forward with the consensus bill that will give the Department the guidance and authority that it needs to develop rules that protect public access rights guaranteed under the Public Trust Doctrine.

About NY/NJ Baykeeper

NY/NJ Baykeeper is the citizen advocate of the NY-NJ Harbor Estuary. Since 1989, we've worked to protect, preserve, and restore the environment of the most urban estuary on Earth – benefiting its natural and human communities. Through our Estuary-wide programs we seek 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 NY/NJ state regulators and citizen groups as partners in planning for a sustainable future for the NY-NJ Harbor Estuary watershed.

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.

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Protecting, preserving, and restoring the NY/NJ Harbor Estuary since 1989.
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