



ACTION ALERT

American Littoral Society + Change to Win + Edison Wetlands Association + Greenfaith + Hackensack Riverkeeper + ILA Local 1588 + International Brotherhood of Teamsters + Ironbound Community Corporation + LIUNA + NJ Environmental Federation + NJ Environmental Justice Alliance + NJ United Nations Association Globalization Project + NJ Work Environment Council + St. James Social Services Center + NY/NJ Baykeeper + Raritan Riverkeeper + SEIU 32 BJ + UFCW Local 1360 + UFCW Region 1 + West Essex County CLC

Urge the NJ State Senate to VOTE NO on S.1921 This Bill Undermines Urban Waterfront Public Access

NJ residents have long been denied access to the waterfront in urban communities. This bill would make sure that this practice continues by prohibiting the Department of Environmental Protection from requiring public access to tidal waterfront areas at existing transportation, port military, industrial, and energy facilities or requiring the facilities to provide off-site access should there be overriding safety concerns that make the site inappropriate for public access.

Significant portions of New Jersey's northern and urban coastline are occupied by tank farms and other industrial facilities. S1921 would extinguish any chance of giving our urban residents a way to the water, as well as bolster meager parkland assets through walkways, access ramps and fishing piers. The bill would severely restrict the ability of citizens to monitor pollution along our urban waterways. Fishing access throughout the state, often provided through requirements placed on transportation projects, would become a thing of the past.

The bill argues this is necessary for national security purposes, however, the US Coast Guard already has established security zones around nuclear power plants, all commercial waterfront facilities, liquidified hazardous gas facilities and coast guard vessels and stations.

Further, the bill prohibits DEP from implementing existing regulations which require a "replacement" public access facility where site considerations related to safety do make public access inappropriate.

The bill goes far beyond what is necessary to protect facilities where national security issues are legitimately at hand.

- The bill does not limit the prohibition on DEP's requirements to situations where homeland and national security statutes preclude public access – it applies to all existing military, industrial, energy or port facilities – even if public access could be safely provided to urban waterways and there is no security issue;
- The bill is really intended to get business and industry out of contributing to providing public access to historically inaccessible waters – this is clear because the bill also prohibits DEP from requiring offsite access as an alternative.
- Lastly, the bill is unneeded since the DEP has proposed regulations that would specifically address homeland security concerns – while not letting business off the hook to contribute to providing public access as a consequence of coastal development.

Getting the public to the water in urban parts of the state is a pressing need. In many places, this access can be safely accommodated on industrial waterfronts. The Legislature should not abandon this need by prohibiting the use of a reasonable, workable tool like the DEP public access regulations.

HOW YOU CAN HELP

1. Phone or Write NJ Senate President Richard J. Codey to tell him you are opposed to Bill S1921:
973-731-6770
449 Mount Pleasant Avenue
West Orange, NJ 07052
2. Pass this action alert on to others.

Star Ledger Editorial

Economic argument will do

Monday, September 29, 2008

Lawmakers love to cloak a bill in the mantle of homeland security. It sounds much better to present a measure to block public access to prime waterfront land as a safeguard against terrorism rather than a money-saving sop to industry.

But a break for industry is precisely the goal behind A2954 and its companion bill in the state Senate. And Sen. Jeff Van Drew (D-Cape May) and other sponsors should be straightforward enough to say so. Especially since their economic argument is legitimate and their security concerns are not.

The waterfront bill says two things. First, to bolster security it would exempt properties with industrial facilities, power plants or other critical infrastructure from a general rule requiring waterfront property owners to give the public a way to get to the water.

Sounds good except there already are plenty of exemptions for vulnerable properties. State and federal rules have long recognized that beachgoers can't be traipsing across the Oyster Creek nuclear complex to dip their toes in the Atlantic.

It is the second part of the waterfront bill that reveals the real story. This part would undermine a 2007 state regulation that says if access cannot be allowed on a property, the owner must help to provide for it elsewhere. A property owner can end up paying thousands of dollars to comply.

Van Drew points out that businesses in New Jersey are already struggling to keep operating, hammered by the usual high costs here as well as by the national economic downturn. Van Drew says now is not the time to hit firms with yet another fee.

There is merit to this argument, enough so that it would be appropriate for lawmakers to craft a relief mechanism that would reduce or spread out the payment requirements. A reasonable compromise should be found that would make the cost less burdensome for industry while still providing resources to advance the public's ability to enjoy the state's waters, shorelines and riverbanks.

But there is no need for legislators to pretend the debate is about security. The public understands times are tough for employers as well as workers. Voters want a way to get to the shore during their time off. But they also want work.