



American Littoral Society

Legislative Position

To: Members of the Assembly Environment and Solid Waste Committee
From: Tim Dillingham, Executive Director, American Littoral Society

RE: Vote No on A.2954

This bill would prohibit the Department of Environmental Protection from requiring the development of new facilities to provide for public access to the tidal waters of the state at existing military, industrial, energy or port facilities. It would also prohibit the DEP from requiring that comparable facilities be provided off-site 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. In many cases, these facilities occupy hundreds of acres of land (much of it tidal marsh or open space) while the operations themselves are on a small piece of the property. The historic nature of many of the sites has shut off the waterfront from urban fishermen and others for years – even though there may be a way to the water which runs nowhere near the actual facility.

A2954 would extinguish any chance of giving the urban public a way to the water through these sites which occupy so much of the waterfront by prohibiting the DEP from using the regulatory tools commonly used throughout the state to provide access when development occurs. The bill argues this is necessary for national security purposes.

Further, the bill prohibits DEP from implementing 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.

Thank you for your time and consideration.

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