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**PUBLIC ACHIEVES IMPROVED ACCESS TO SEA BRIGHT BEACHES IN
SETTLEMENT OF LAW SUIT**

Freehold, NJ--- Today, Judge Thomas W. Cavanagh, Jr., a Chancery Division judge in Monmouth County, signed six Consent Judgments to settle a four-year dispute over public access to renourished beaches in Sea Bright between the State of New Jersey, the Borough of Sea Bright, and six beach clubs. American Littoral Society (ALS) and Citizens Right to Access Beaches (C.R.A.B.), represented by the Eastern Environmental Law Center, actively participated as “friends of the court” in the litigation throughout its duration, including a lengthy mediation process, giving voice to the concerns of ocean and coastal users and public access advocates.

“As a result of this settlement, the public is re-gaining the right to use a significant amount of replenished beach in Sea Bright—access for which it should never have had to fight,” said Julia LeMense, Executive Director of the Eastern Environmental Law Center. “This settlement, by virtue of the clubs’ contributions to a newly created Sea Bright Public Access Fund, will also provide a process and the tools to develop projects to make access to the shore more meaningful for all,” said LeMense.

“The State of New Jersey, the six beach clubs, the Borough of Sea Bright, together with American Littoral Society and Citizens Right to Access Beaches, have achieved an admirable resolution to this dispute and it is our hope that the ongoing partnership between the public access advocates, the State, and the beach club representatives will make positive contributions to public access in the future,” said LeMense.

Tim Dillingham, Executive Director of American Littoral Society applauded the settlement and remarked that “the need to protect the public’s rights to access to the shore is growing, and this settlement is an important victory for all of us in the ongoing effort to defend those rights.” “There has been a huge gap in accessibility to the shore between Sandy Hook and Sea Bright, and by putting their differences aside, ALS, C.R.A.B., the State, the beach clubs and the Borough of Sea Bright have helped to close that gap,” said Dillingham.

Ralph Coscia of Citizens Right to Access Beaches commented: “The amicable resolution of the long standing beach access issue in Sea Bright supports our organization’s position that public access and use of our coastline is a right guaranteed by the Public Trust Doctrine.” Coscia continued: “We are encouraged by the State of New Jersey’s recognition of this right and look forward to working with the parties to this settlement to assure meaningful public access to the affected areas.”

“It is our hope that the State of New Jersey will continue to take the appropriate steps to insure that public access and use of our beaches is addressed in future renourishment projects funded with public money,” said Coscia.

The settlement ends a dispute among the State, the Borough of Sea Bright, and six beach clubs that began with a complaint filed by the Attorney General’s Office in 2006. At the center of the dispute is the public’s ability to access and use beaches in Sea Bright that were replenished by the Army Corps of Engineers at tax payers’ expense in 1995 and 2003 to the tune of over \$40 million. The projects are intended to protect coastal areas from erosion and damage during hurricanes and other storms, but the federal law requires the projects also provide a public benefit. One of those benefits is meaningful public access. Many years ago, the State, the Borough, and the various beach clubs in Sea Bright entered into a number of agreements that were required to allow the project to go forward. One result of those agreements, dating back to 1993, however, left the public with only the right to use a 15 foot wide strip of dry sand along the water’s edge in front

of the beach clubs to *walk* along the water, or to fish during non-swimming hours—the dry sand that was bought and paid for with tax payer dollars.

In 2006, the State filed suit against the Borough of Sea Bright and the beach clubs, alleging, among other things, that the 1993 agreements violated the public trust doctrine because the public's access and use to the beaches was restricted to essentially a 15 foot transit corridor. American Littoral Society and Citizens Right to Access Beaches, tireless advocates for the public trust doctrine and the rights it bestows on the public to access and use our beaches and other coastal areas, moved to intervene in the litigation out of concern that the State would not adequately represent the interests of the public, due to the fact that it was the State that entered into the 1993 agreements in the first place. The court denied that motion, but did allow the parties to appear as *amici curiae*, or “friends of the court,” and to fully participate in all settlement discussions.

After nearly 4 years of litigation, the parties achieved through protracted mediation, facilitated by former Chief Justice James Zazzali, a resolution that significantly restores the public's right to use and access the beaches and the shore without interfering with the Borough's operation of the municipal beaches or the beach clubs private beach clubs. The settlement also establishes a Sea Bright Public Access Fund, funded out of contributions made by the settling beach clubs, that will be used to make public access more meaningful by exploring ways to improve transit options, expand parking, improve amenities while at the shore, and other similar projects. The beach clubs who reached agreement with the State are: Surf Rider Beach Club, Chapel Beach Club, Sands Beach Club, Water's Edge Beach Club, Driftwood Beach Club, and Ship Ahoy Beach Club. Only Sea Bright Beach Club is proceeding to trial with the State. In a separate settlement agreement, the Borough of Sea Bright is also undertaking to spend resources to improve amenities at the shore and generally improve public access to the Sea Bright beaches.