

Results of the July 13th 2011 Fishermen Access Action Team Meeting

User groups are defined as outdoor enthusiasts who use tidal waters for recreational purposes, such as, fishing, surfing, bird watching, kayaking, SCUBA diving, spear fishing and skin diving. With the exception of parking, some user groups do not require bathrooms, amenities and supervision during their use of the tidal waters (e.g., lifeguards). Parking is critical to user groups since access to tidal waters would become meaningless.

1. All current public tidal water access points shall be maintained.
2. There shall be no limits to the hours user groups can access tidal waters. Access to tidal water by user groups must be allowed 24 hours a day 7 days a week.
3. The NJDEP shall have the final approval on all Municipal Public Access Plans (MPAP), after public review and comment, and will ensure there is access to the maximum extent for all user groups according to clear, established standards. Prior to approval by NJDEP, the MPAP shall be approved by the County to ensure all County laws and regulations are met.
4. Every MPAP shall include a statement that all user groups have the right to use tidal waters as defined by the Public Trust Doctrine (PTD), and those municipal measures implementing the MPAP such as ordinances, zoning, and traffic (parking) regulations acknowledge, promote and insure the protection of the rights of the public under the PTD. Every MPAP should identify and repeal any ordinance that limits public access to, or use of tidal waterways and their shores. It should also include a commitment to not enact or adopt ordinances or engage in activities that conflict with public access, such as the placing of signs, structures, vegetation, parking restrictions or any other means that limit access to, or use of tidal waterways and their shores.
5. A municipality, through State and County laws, shall not be allowed to transfer, trade, or sell public access to tidal waters to another municipality, a business or an individual.
6. The maximum distance between public access points shall be maintained at 1/4 mile. All references to 1/2 mile shall be removed.
7. Exemptions to provide new public access shall be based on the length of shoreline for properties 300 feet or less and shall provide or improve the public's access to a tidal water for both renovations and new construction. References in the rules for public access based on the number of buildable single family lots shall be removed.
8. Municipalities shall provide public access to user groups to the maximum extent.
9. All public access parking shall be documented and shown on MPAP. Any fees for parking shall only be permitted in commercial zones. Parking fees shall not be charge for accessing tidal waters located in residential zones.

10. The NJDEP shall issue annual coastal access parking permits, which could be purchased for a reasonable price, to be made available to exempt certain user groups from the daily parking fees.

11. The NJDEP shall notify all user groups when a proposed MPAP has been submitted to NJDEP for review and provide an opportunity for review and comment. The proposed MPAP shall be electronically distributed to all user groups, posted on NJDEP's website, and posted as a public notice in newspapers. The DEP shall respond to comments submitted in response to the public notice.

12. The NJ Division of Fish and Wildlife shall review all proposed MPAP to ensure fishing access has been appropriately addressed.

13. The NJDEP shall make it mandatory that towns proposing an MPAP post to the NJDEP the dates and times a municipality will conduct public hearings on a proposed MPAP. The NJDEP shall then post these dates on the appropriate web page and notify all user groups who have applied for notification.

14. The NJDEP shall ensure that the Public Trust Doctrine will be a minimum standard that must be achieved in every MPAP.

15. The NJDEP shall develop and maintain for the public at all times a Geographic Information System (GIS) layer that is viewable through i-Map with the location of public parking and public access points as part of a MPAP implementation.

16. Once a MPAP has been approved by NJDEP, progress reports shall be posted on NJDEP's website on how the municipality has been able to develop, maintain, and increase their public access.

17. Development or adjacent to tidal waterways and their shores shall incorporate fishing access and associated amenities to the maximum extent practicable. All publicly funded projects, including roads, bridges, and other construction projects shall meet this standard.