

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2601**

**STATE OF NEW JERSEY**

DATED: JUNE 12, 2008

The Assembly Environment and Solid Waste Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2601.

The substitute bill would impose a moratorium on the implementation of the rules and regulations adopted by the Department of Environmental Protection (DEP) on December 17, 2007 governing public access at marinas. While the moratorium is in effect the Public Access and Marina Safety Task Force established under the substitute bill would conduct a study addressing the issues raised by the rules and regulations, and the concurrent regulatory proposal issued by the DEP on public access at marinas, and submit a report to the Governor and the Legislature. The moratorium would expire on December 31, 2010.

The Public Access and Marina Safety Task Force would consist of 10 members as follows:

- (1) a representative of the DEP;
- (2) a representative of the Office of Maritime Resources in the Department of Transportation;
- (3) four elected public officials, to be appointed by the Governor with the advice and consent of the Senate, representing the coastal communities of Atlantic, Cape May, Monmouth and Ocean counties, respectively; and
- (4) four public members to be appointed by the Governor with the advice and consent of the Senate. Of the four public members, one would be a representative of the Urban Coast Institute of Monmouth University, and one would be a representative of the environmental community with a recognized expertise and specialization in coastal and shore protection issues. The remaining public members would represent marina operators or a marine trade association.

The Task Force would submit its report, including its findings and recommendations, to the Governor and the Legislature by December 31, 2010.

For the duration of the moratorium, the bill would prohibit the DEP from requiring (1) a marina facility to provide unlimited public

access to the waterfront; (2) a conservation easement by means of a deed restriction; (3) perpendicular access across the entire waterfront; or (4) additional parking, as a condition of any permit for activities relating to the expansion or renovation of an existing marina facility issued pursuant to the waterfront development statute (R.S.12:5-3), "The Wetlands Act of 1970," or the "Coastal Area Facility Review Act."