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New Jersey's Beaches: The State as Trustee of Public Rights

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Abstract: This presentation will address the evolution of the public trust doctrine, a common law principle that recognizes that the public has particular inalienable rights to certain natural resources. Public trust resources include but are not limited to tidal waterways, the underlying submerged lands and the shore seaward of the mean high water line, whether owned by a public, quasi-public or private entity. New Jersey's courts have acknowledged the deep roots of the Doctrine as one of the rights of free citizenship that the American people inherited after gaining independence from English rule. This presentation aims to encapsulate New Jersey's recent legal efforts to increase public access to and use of coastal waterways under the public trust doctrine, including overviews of ongoing litigation regarding public access rights to replenished beaches and proposed regulations in support of public trust rights.

Speaker Information: Mr. Mulvaney is a Deputy Attorney General for the State of New Jersey in the Land Use Division of the Environmental Permitting and Counseling Section. He defends and advises the state and its agencies in environmental and land use litigation, rulemaking and transactions, and the regulatory and physical takings claims they generate.