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Talking Points on NJDEP Legal Action Against Baysave



On May 4, 2018 New Jersey Attorney General Gurbir Grewal filed a lawsuit on behalf of the State of New Jersey against Baysave and its controller Tony Novak, along with a number of other named and unnamed defendants who are working to stabilize and recover the Sandy-damaged marina community at Money Island, New Jersey. A copy of the complaint and the answer are available online at www.baysave.org.



We believe the action is unjust, mean-spirited and in bad faith after the years of contributions of our dedicated members to the bayshore region. Specifically, the NJDEP's tactics of refusing discussion, denying dispute resolution procedures, denying permitting attempts, and singling out a whistleblower for legal action are in bad faith and possibly illegal.



We believe the legal action by the Attorney General does not represent the intentions of the Governor, the State Legislators, the County Freeholders or the municipal government.

We do not believe this legal action represents the intent of the leadership of the NJDEP based on ongoing conversations prior to and during the transition of leadership under incoming Governor Phil Murphy.



Money Island Marina is the landing port for 7 independent watermen employing more than 20 seasonal workers harvesting oysters, crabs, conch, menhaden, perch, shad and raising baitfish and soft-shell crabs. It formerly used as a recreational marina that went bankrupt before Baysave was involved.



The Money Island Marina was substantially destroyed in superstorm Sandy and rebuilt in good faith based on the land use regulations and other information available at that time.

BaySave is a 501(c)(3) nonprofit association registered as a New Jersey charity with a mission of advocacy, stabilization, restoration and sustainable economic redevelopment of tidal wetlands along the Delaware Bay.

 Tony Novak took over daily management of the marina on behalf of Baysave after superstorm Sandy in November 2012 under the expectation that the State of New Jersey would acquire the properties as discussed in pre-storm land use planning. At several times in the years after Sandy state officials continued to encourage him to 'stay the course' and give them more time to arrange the property acquisition.

 Former New Jersey Governor Christie urged storm-damaged businesses to reopen after Sandy and gave assurance that the financing insurance settlements and permitting could be handled 'after the fact'. Novak acted in good faith following the Governor's request, even offering his personal assets (life insurance, IRA, lines of credit) too help stabilize the community. He was awarded two Joint Legislative Commendations for his volunteer work on post-Sandy recovery of the marina community. New Jersey spokesperson Larry Ragonese gave reassurance from the Governor that Money Island would receive the rebuilding permits we sought.

 Since Sandy, Money Island Marina has initiated or been involved in at least 15 land use or waterfront development permit applications, pre-application inquiry meetings or programs that would have led to Money Island permitting if approved. All but one of those applications were denied. In several cases a NJDEP official's objection was the sole reason the application was denied.

 Money Island's sustainable redevelopment plan has evolved in coordination with the approved bayshore region recovery plan, the help of Cumberland County Improvement Association, Downe Township long term planning and various educational, research and nonprofit groups.

 The officials at the highest level of the NJDEP that we've spoken with and all branches of government have personally offered their support of our sustainable redevelopment plan. Yet they seem to act as if powerless to control the bureaucrats who are taking this rogue legal action on behalf of the state.

 We believe that it is fundamentally unfair for the NJDEP to:

- 1) Ignore alleged violations for many decades against prior owners and then aggressively assert them in the difficult post-Sandy environment.
- 2) Repeatedly deny or block our attempts to obtain permits and then take legal action for our failure to hold such permits.
- 3) Acknowledge that its coastal land use permitting process is inappropriate for low value properties on the bayshore but offer no alternatives.

 Baysave is funded entirely through charitable donations. We greatly appreciate your contributions to the legal defense of this matter.