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Sea wall suit says bad work is killing wildlife

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BRIDGETON - A conservation organization has filed a lawsuit against Fairfield Township and the state Department of Environmental Protection for what it has deemed a negligently designed, built and supervised sea wall in Seabreeze.

Newark non-profit Wildlife Preserves, Inc., which owns 2,872 acres in and along the Delaware Bay in Fairfield Township, and which offered a dozen easements to the DEP and the township to facilitate the wall's construction, is now claiming the two parties first flubbed the construction of the wall and are now reneging on their agreements to maintain it.

The suit, filed in Cumberland County Superior Court July 14 of this year, also names Tri-State Dredging Company, the Philadelphia business hired by the DEP to reconstruct Beach Avenue and build the sea wall, as a defendant.

"DEP, the township and Tri-State were all negligent in the construction of the sea wall," reads the complaint. "The sea wall was improperly built. The fill beneath the block mats was not protected from the tides. The concrete curb at the top of the wall was not reinforced with steel rebar or mesh.

"The fill beneath the block mats have washed away. There are large voids underneath several sections of the block mats. Some block mats have collapsed."

WPI is also taking Fairfield Township and the DEP to task for alleged environmental damage to the former bayside resort town.

According to WPI, the wall has not stopped the erosion of the coastline, and has been a detriment to local horseshoe crab and sea turtle populations, as well as to the migratory birds that depend on the crabs for food.

"The sea wall was promised to be wildlife friendly but instead has become a man-made death trap for spawning horseshoe crabs; the crabs become trapped in the voids and are unable to escape," reads the complaint.

"Furthermore, the sea wall has become an obstruction to nesting diamondback terrapin sea turtles that must climb over the sea wall to lay their eggs in sandy, sunny, upland areas. The turtles cannot navigate over the dangerous sea wall because they become trapped in the voids (holes) in the sea wall. The turtles that successfully reach the land and nest cannot navigate over the high curb of the sea wall to return into the Delaware Bay."

However, despite the problems with the wall, WPI does not wish for it to be completely removed, stating in the complaint that it serves a purpose in protecting upland areas on the shoreline.

The group instead states they want Fairfield Township, the DEP and Tri-State to perform alterations and repairs to the wall, as well as to restore the eroded coastline.

WPI is also seeking unspecified reimbursements for "time and expenses devoted to the Seabreeze Project."

"Pursuant to easement agreements granted by (WPI) in favor of the DEP and township, the DEP and

township were jointly required to utilize their best efforts to maintain the sea wall after its construction," according to the complaint.

"DEP and the township have failed to maintain and repair the sea wall, and the sea wall has now fallen into a state of disrepair."

Lastly, WPI is also alleging that, during construction of the wall, Tri-State workers "encroached" and built structures upon Wildlife's land without easement, consent or permission.

Both Fairfield Township Mayor Benjamin Byrd and DEP spokesman Larry Ragonese declined to comment on the complaint, citing pending litigation.

In December 2008, the township committee expressed its desire for the DEP to purchase Seabreeze properties at fair market value. DEP has stated several property owners have come forward and are willing to sell.

WPI stated that this is paramount to "ignoring (their) contractual obligations to maintain the sea wall."

Work on the sea wall began in October 2006 and determined to be complete by the DEP in May 2007. The \$1.5 million cost of the project was shared by both the township and the state.

According to WPI, the group sent several letters, in June 2007 and February 2008, about their concerns with the project.

WPI also states that an agreement between WPI, the DEP and Tri-State to restore the conservation group's land was struck in March 2007. However, in April 2007, WPI notified Tri-State of its failure to follow the plan.