



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box
TRENTON, NJ 08625-0

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Attorney General

MICHAEL T.G. LONG
Director

January 9, 2023

By electronic filing

Honorable Michael J. Blee, A.J.S.C.
Superior Court of New Jersey
Atlantic County/Cape May Vicinage
1201 Bacharach Boulevard
Atlantic City, New Jersey 08401

Re: Department of Environmental Protection v. City of
North Wildwood; "XYZ Corporations" 1-10; and "John
and/or Jane Does" 1-10
Docket No: CPM-C-055-22

Dear Judge Blee:

This office represents the Department of Environmental Protection (DEP) in the above referenced matter. Please accept this letter to address separate issues in anticipation of the scheduled hearings. First, DEP is strongly opposed to the recommendation of North Wildwood to have a site visit of the beach by Your Honor. The matter before the Court is exclusively a legal issue and does not require any separate fact-finding. It is undisputed that construction of a bulkhead is a regulated activity that requires a permit or emergency authorization prior to commencing. It is not necessary for the Court to observe the location in question to make a determination that North Wildwood must comply with the law.

Second, based upon the unconventional opposition and motion filed by North Wildwood and the improper request in its opposition for the extraordinary relief of voiding a statutory requirement, it would be helpful for the parties to speak with Your Honor in a case management conference. The conference would help educate the parties on what Your Honor is planning to consider during each of



January 9, 2023

Page 2

the two upcoming hearings in this matter on January 17th and 20th.

Thank you for Your Honor's consideration of this matter.

Sincerely yours,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Kevin Terhune
Kevin Terhune
Deputy Attorney General

cc: Neil Yoskin, Esq. (by email)
Anthony S. Bocchi, Esq. (by email)