

ASSEMBLY, No. 642

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

Assemblyman Wolfe

SYNOPSIS

Requires DEP to assume responsibility for dredging of waterways providing boat access to lagoon communities; appropriates \$6,000,000.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the dredging of certain waterways in certain
2 areas of the State, supplementing Title 12 of the Revised
3 Statutes, and making an appropriation.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. The Legislature finds and declares that a number of
9 communities were established in coastal municipalities to
10 encourage development, investment, and relocation in these
11 municipalities; that such communities have become known as
12 "lagoon communities" because of the lagoons that were constructed
13 as part of the developments to increase the value and enhance the
14 attractiveness of the properties by offering boat access to the homes
15 in the communities; that a number of people invested in and
16 relocated to the homes in these communities, without any
17 notification or knowledge of any of the environmental concerns
18 about establishing or maintaining these communities; that, despite
19 the branding of a number of these lagoon communities by the
20 Department of Environmental Protection as "illegal," the lagoon
21 communities have been an aesthetic and economic boost to the
22 shore area by invigorating coastal municipalities with the influx of
23 people and the bolstering of the tax base; and that the people who
24 have made the investment of money, commitment and dedication to
25 the coastal municipalities should not be penalized for this
26 contribution by devaluing their investment.

27 The Legislature further finds and declares that a number of the
28 waterways accessing these communities are designated as
29 navigational channels by the State and therefore are the State's
30 responsibility to dredge and maintain as functioning navigable
31 waterways; and that the waterways used for transportation and
32 recreational boating that are not officially designated as
33 navigational channels also should be dredged and maintained by the
34 State to ensure the environmental integrity of the areas in which the
35 dredging occurs and the quality of life of the residents who have
36 invested in these areas.

37 The Legislature therefore determines that the Department of
38 Environmental Protection should take responsibility for the
39 dredging of the waterways providing boat access to lagoon
40 communities in the State, whether officially designated as
41 navigational channels or not, and maintain these waterways for the
42 future economic and environmental health and vitality of the coastal
43 areas of the State.
44

45 2. a. Within one year after the effective date of this act, the
46 Department of Environmental Protection shall establish a list of all
47 lagoon communities in the State and the waterways providing boat
48 access thereto, and a dredging schedule, on a priority basis, for the

1 dredging of the waterways required to reestablish and improve boat
2 access to each of the communities on the list. The list shall include,
3 but shall not be necessarily limited to, the following: Cedar Creek,
4 Hancy's Pond (Forked River), the Loveladies Lagoons,
5 Manahawkin Creek, the Mystic Island Lagoons, the O Street Lake
6 Lagoon (Seaside Park), Thompson Creek (Tuckerton), Tide Pond
7 Creek, Skippers Cove Beach, Sunrise Beach (Forked River), and
8 Veeder and Bayview Lagoon. The dredging schedule shall provide
9 for all dredging to be completed within the two years after the
10 effective date of this act.

11 b. As soon as practicable after the establishment of the lists and
12 dredging schedule required under subsection a. of this section, the
13 Department of Environmental Protection shall begin the necessary
14 dredging and shall complete the dredging no later than two years
15 after the effective date of this act.

16 c. Within the two years after the effective date of this act, the
17 Department of Environmental Protection shall establish a
18 maintenance dredging schedule for the waterways providing boat
19 access to lagoon communities in the State, identified pursuant to
20 subsection a. of this section. The maintenance dredging schedule
21 shall include the estimated annual cost for the maintenance
22 dredging. The schedule shall begin, and the Department of
23 Environmental Protection shall implement it no later than, two
24 years and 180 days after the effective date of this act.

25 d. The Commissioner of Environmental Protection shall submit
26 to the Governor and Legislature the lists and schedules required to
27 be established pursuant to this section within the 30 days after the
28 lists and schedules have been established and shall include funding
29 of the maintenance dredging projects in the annual budget request
30 submitted by the department to the Governor.

31
32 3. There is appropriated from the General Fund to the
33 Department of Environmental Protection the sum of \$5,000,000 for
34 the purposes of effectuating the requirements of subsections a. and
35 b. of section 2 of this act, and the sum of \$1,000,000 for the
36 purposes of establishing and implementing the maintenance
37 dredging schedule as required under subsection c. of section 2 of
38 this act.

39
40 4. This act shall take effect immediately.

41
42
43
44

STATEMENT

45 This bill provides for the dredging of the waterways providing
46 boat access to lagoon communities in the State, whether officially
47 designated as navigational channels or not, and maintain these

A642 RUMPF, GOVE

4

- 1 waterways for the future economic and environmental health and
- 2 vitality of the coastal areas of the State.