

[Fourth Reprint]

**SENATE, No. 1074**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 22, 2018

**Sponsored by:**

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**Senator CHRISTOPHER "KIP" BATEMAN**

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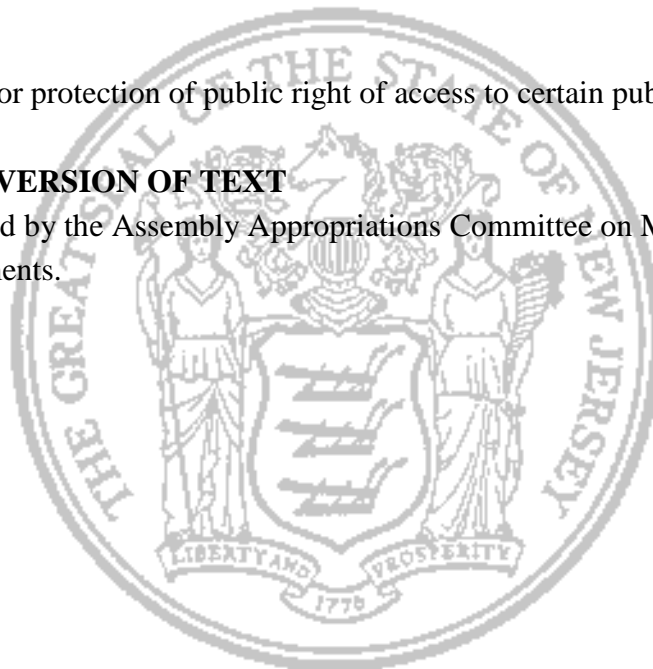
**Senators Gopal, Greenstein, Madden and Assemblyman Freiman**

**SYNOPSIS**

Provides for protection of public right of access to certain public trust lands.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on March 18, 2019,  
with amendments.



**(Sponsorship Updated As Of: 3/26/2019)**

1 AN ACT concerning <sup>3</sup>**[the]**<sup>3</sup> public <sup>3</sup>**[trust doctrine]** access to  
2 certain public trust lands<sup>3</sup>, amending P.L.1975, c.291, and  
3 supplementing Title 13 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. (New section) The Legislature finds and declares that:

9 a. The public has longstanding and inviolable rights under the  
10 public trust doctrine to use and enjoy the State's tidal waters and  
11 adjacent shorelines for <sup>3</sup>navigation, commerce, and<sup>3</sup> recreational  
12 uses, including, but not limited to, bathing, swimming, fishing, and  
13 other shore-related activities;

14 b. The public trust doctrine establishes the rule that ownership  
15 of <sup>3</sup>the State's natural resources, including, but not limited to,  
16 ground waters, surface waters, and<sup>3</sup> land flowed or formerly flowed  
17 by tidal waters is vested in the State to be held in trust for the  
18 people, that the public has the right to tidal lands and waters for  
19 navigation, fishing, and recreational uses, and, moreover, that even  
20 land that is no longer flowed by the tide but that was artificially  
21 filled is considered to be public trust land and the property of the  
22 State;

23 c. This historic principle stems from Roman jurisprudence  
24 declaring that the air, running water, and shores of the sea are  
25 common to mankind. The concept was extended to English law so  
26 that public property became classified as one of two types, either  
27 property that was necessary for the state's use or property that was  
28 common and available to all citizens. The common property  
29 consisted of the air, tidally flowed waters, fish, and wild animals,  
30 and the King did not own this common property as he owned other  
31 state property, but rather held it in trust for the people. After the  
32 Revolution, all royal rights in the land that was to become the State  
33 of New Jersey became vested in the people of the State of New  
34 Jersey. In 1821, the seminal court case of Arnold v. Mundy was  
35 decided, outlining the history of the public trust doctrine and  
36 applying it to tidally flowed lands in New Jersey, and from the time  
37 it was decided, New Jersey courts have held that the State holds in  
38 trust for the people of the State those lands flowed by tidal waters to  
39 the mean high water mark <sup>3</sup>. The courts have also recognized that  
40 the public trust doctrine is not fixed or static; rather, it is to be  
41 molded and extended to meet changing conditions and the needs of  
42 the public it was created to benefit<sup>3</sup>;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[ thus ]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted February 5, 2018.

<sup>2</sup>Senate SBA committee amendments adopted June 18, 2018.

<sup>3</sup>Assembly AEN committee amendments adopted March 11, 2019.

<sup>4</sup>Assembly AAP committee amendments adopted March 18, 2019.

- 1 d. <sup>3</sup>~~【The】~~ Pursuant to the public trust doctrine, the<sup>3</sup> State of  
2 New Jersey <sup>3</sup>~~【has a duty to】~~ <sup>4</sup>~~【shall<sup>3</sup>】~~ has a duty to<sup>4</sup> promote,  
3 protect, and safeguard the public’s rights and <sup>3</sup>~~【to】~~<sup>3</sup> ensure  
4 reasonable and meaningful public access to tidal waters and  
5 adjacent shorelines;
- 6 e. The Department of Environmental Protection <sup>3</sup>~~【has the~~  
7 authority and the duty to】 <sup>4</sup>~~【shall<sup>3</sup>】~~ has the authority and the duty  
8 to<sup>4</sup> protect the public’s right of access to tidally flowed waters and  
9 their adjacent shorelines under the public trust doctrine and  
10 statutory law. In so doing, the department <sup>3</sup>~~【has the duty to】~~  
11 <sup>4</sup>~~【shall<sup>3</sup>】~~ has the duty to<sup>4</sup> make all tidal waters and their adjacent  
12 shorelines available to the public to the greatest extent <sup>3</sup>~~【possible】~~  
13 practicable<sup>3</sup>, protect existing public access, provide public access in  
14 all communities equitably, maximize different experiences provided  
15 by the diversity of the State’s tidal waters and adjacent shorelines,  
16 ensure that the expenditure of public moneys <sup>3</sup>~~by the department<sup>3</sup>~~  
17 maximizes public use and access where public investment is made,  
18 and remove physical and institutional impediments to public access  
19 to the maximum extent <sup>3</sup>~~【possible】~~ practicable<sup>3</sup>; and
- 20 f. Public access includes visual and physical access to, and use  
21 of, tidal waters and adjacent shorelines, sufficient perpendicular  
22 access from upland areas to tidal waters and adjacent shorelines,  
23 and the necessary support amenities to facilitate public access for  
24 all, including <sup>3</sup>, but not limited to,<sup>3</sup> public parking and restrooms.  
25
- 26 2. (New section) a. The Department of Environmental  
27 Protection shall ensure that any approval, permit, administrative order,  
28 or consent decree issued, or other action taken, by the department  
29 pursuant to the “Coastal Area Facility Review Act,” P.L.1973, c.185  
30 (C.13:19-1 et seq.), R.S.12:5-3, “The Wetlands Act of 1970,”  
31 P.L.1970, c.272 (C.13:9A-1 et seq.), the “Flood Hazard Area Control  
32 Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), or the State’s  
33 implementation of the “Coastal Zone Management Act of 1972,” 16  
34 U.S.C. s.1451 et seq., or any other law, is consistent with the public  
35 trust doctrine.
- 36 b. The Department of Environmental Protection shall ensure that  
37 any public funding issued <sup>3</sup>~~by the department<sup>3</sup>~~, and any action taken  
38 on a project using <sup>3</sup>~~such<sup>3</sup>~~ public funding, <sup>3</sup>~~and any project or any~~  
39 aspect of a project utilizing federal funding that is regulated or  
40 reviewed by the department,<sup>3</sup> is consistent with the public trust  
41 doctrine.  
42
- 43 3. (New section) a. The Department of Environmental  
44 Protection shall not adopt any rule or regulation pursuant to the  
45 “Coastal Area Facility Review Act,” P.L.1973, c.185 (C.13:19-  
46 1 et seq.), R.S.12:5-3, “The Wetlands Act of 1970,” P.L.1970,

1 c.272 (C.13:9A-1 et seq.), the “Flood Hazard Area Control Act,”  
2 P.L.1962, c.19 (C.58:16A-50 et seq.), or the State’s implementation of  
3 the “Coastal Zone Management Act of 1972,”  
4 16 U.S.C. s.1451 et seq., or any other law, that mandates on-site public  
5 access to tidal waters or adjacent shorelines as a condition of any  
6 approval, permit, administrative order, or consent decree at any  
7 <sup>3</sup>[existing]<sup>3</sup> structure or facility that:

8 (1) is required to submit a facility security plan pursuant to the  
9 federal "Maritime Transportation Security Act of 2002," 46 U.S.C.  
10 s.70101 et seq., and 33 C.F.R. s.101.100 et seq.;

11 (2) is required to develop and adhere to a transportation security  
12 plan for hazardous materials pursuant to the regulations adopted by the  
13 federal Pipeline and Hazardous Materials Safety Administration in the  
14 United States Department of Transportation, 49 C.F.R. s.172.800 et  
15 seq.;

16 (3) is required to participate in the United States Department of  
17 Homeland Security's Chemical Facility Anti-Terrorism Standards  
18 program;

19 (4) is located at any airport, railroad yard, or nuclear power plant;  
20 <sup>2</sup>[or]<sup>2</sup>

21 (5) requires exclusion of the public for security reasons as  
22 designated in accordance with rules and regulations adopted pursuant  
23 to subsection b. of this section by the New Jersey Office of Homeland  
24 Security and Preparedness <sup>2</sup>; or

25 (6) is owned or operated by the New Jersey Department of  
26 Military and Veterans’ Affairs<sup>2 3</sup> and on which on-site public access is  
27 deemed to pose a threat to security or public safety<sup>3</sup>.

28 b. The New Jersey Office of Homeland Security and  
29 Preparedness shall adopt rules and regulations pursuant to the  
30 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.)  
31 to establish a process to designate those facilities that, for homeland  
32 security reasons, require exclusion of the public from the tidal waters  
33 or adjacent shorelines located at those facilities. <sup>1</sup>The rules and  
34 regulations shall nevertheless provide for access to tidal waters and  
35 their adjacent shorelines to the maximum extent feasible and as  
36 otherwise permitted by law.<sup>1</sup>

37  
38 4. (New section) <sup>3</sup>a.<sup>3</sup> For any application for a permit or other  
39 approval to be issued by the Department of Environmental Protection  
40 pursuant to the “Coastal Area Facility Review Act,” P.L.1973, c.185  
41 (C.13:19-1 et seq.), R.S.12:5-3, “The Wetlands Act of 1970,”  
42 P.L.1970, c.272 (C.13:9A-1 et seq.), the “Flood Hazard Area Control  
43 Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), or the State’s  
44 implementation of the “Coastal Zone Management Act of 1972,”  
45 16 U.S.C. s.1451 et seq., or any other law, if the application provides  
46 for a change in the existing footprint of a structure, <sup>3</sup>[or]<sup>3</sup> a change in  
47 use of the property, <sup>3</sup>or involves beach replenishment or beach and

1 dune maintenance.<sup>3</sup> the department shall review the existing public  
 2 access provided to tidal waters and adjacent shorelines at the property  
 3 and shall require as a condition of the permit or other approval that  
 4 additional public access to the tidal waters and adjacent shorelines  
 5 consistent with the public trust doctrine be provided <sup>3</sup>【, in accordance  
 6 with】 . In determining the public access that is required at a property,  
 7 the department shall consider<sup>3</sup> the scale of the changes to the footprint  
 8 or use, the demand for public access, and any <sup>3</sup>【adopted】 department-  
 9 approved<sup>3</sup> municipal public access plan or public access element of a  
 10 municipal master plan. <sup>3</sup>The requirements of this subsection shall  
 11 apply to any application for an individual permit submitted on or after  
 12 the effective date of P.L. , c. (C. ) (pending before the  
 13 Legislature as this bill). No later than 18 months after the effective  
 14 date of P.L. , c. (C. ) (pending before the Legislature as this  
 15 bill), the requirements of this subsection shall apply to permits-by-rule,  
 16 general permits, or general permits-by-certification issued by the  
 17 department as provided in rules and regulations adopted pursuant to  
 18 subsection b. of this section.

19 b. No later than 18 months after the effective date of  
 20 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
 21 department shall adopt, pursuant to the “Administrative Procedure  
 22 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
 23 establishing:

24 (1) those permits-by-rule, general permits, and general permits-by-  
 25 certification for which public access would be required, but which  
 26 would not require individual review pursuant to subsection a. of this  
 27 section;

28 (2) those permits-by-rule, general permits, and general permits-by-  
 29 certification for which, consistent with the public trust doctrine, public  
 30 access would not be required; and

31 (3) specific categories of projects which, due to the existence of an  
 32 emergency condition, or a condition that poses a significant and  
 33 immediate threat to public health and safety, shall not require  
 34 individual review of public access pursuant to subsection a. of this  
 35 section.<sup>3</sup>

36  
 37 5. (New section) a. For any application for a permit or other  
 38 approval to be issued by the Department of Environmental Protection  
 39 pursuant to the “Coastal Area Facility Review Act,” P.L.1973, c.185  
 40 (C.13:19-1 et seq.), R.S.12:5-3, “The Wetlands Act of 1970,”  
 41 P.L.1970, c.272 (C.13:9A-1 et seq.), the “Flood Hazard Area Control  
 42 Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), or the State’s  
 43 implementation of the “Coastal Zone Management Act of 1972,”  
 44 16 U.S.C. s.1451 et seq., involving a marina in existence on the date of  
 45 enactment of P.L. , c. (C. ) (pending before the Legislature as this  
 46 bill), if the regulated activity that is the subject of the application is on  
 47 the marina property, the department shall require that the existing

1 degree of public access to the waterfront and adjacent shoreline be  
2 maintained. If the regulated activity affects or diminishes public access  
3 on the marina property, the department shall require equivalent access  
4 as a condition of the permit or other approval. Equivalent public  
5 access includes access that allows the opportunity to participate in the  
6 same activities in the same manner, by the same number of people as  
7 the existing public access. If no public access is provided to the  
8 waterfront and adjacent shoreline prior to application for a permit or  
9 other approval, the department shall not impose new public access  
10 requirements to the waterfront or adjacent shoreline as a condition of  
11 the permit or other approval. However, if the application includes  
12 property on which there is a beach, including any application  
13 involving marina property that provided no public access prior to the  
14 application, the department shall require public access to the beach and  
15 the public's use of the beach as a condition of the permit or other  
16 approval, and activities that have the effect of discouraging or  
17 preventing the exercise of public trust rights shall be prohibited.

18 b. (1) For any application for a permit or other approval to be  
19 issued by the Department of Environmental Protection pursuant to the  
20 "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et  
21 seq.), R.S.12:5-3, "The Wetlands Act of 1970," P.L.1970, c.272  
22 (C.13:9A-1 et seq.), the "Flood Hazard Area Control Act," P.L.1962,  
23 c.19 (C.58:16A-50 et seq.), or the State's implementation of the  
24 "Coastal Zone Management Act of 1972," 16 U.S.C. s.1451 et seq., for  
25 the development of any marina property that proposes to increase the  
26 existing developed area, which includes buildings and areas covered  
27 by asphalt or other paving, by at least 50 percent, or that proposes the  
28 development of property that is not within the parcel containing the  
29 existing marina development, the applicant shall provide to the  
30 department a public access plan that identifies:

31 (a) a site plan with the location and type of public access to be  
32 provided;

33 (b) any areas to be closed to public access because of permanent  
34 obstructions or risks due to hazardous operations where no reasonable  
35 measures can be taken to avert those risks;

36 (c) an explanation of the specific risks and hazards in the areas  
37 closed to public access with a description of the areas where public  
38 access is enhanced <sup>3</sup>, or where public access is to be provided offsite,<sup>3</sup>  
39 to compensate for the area closed due to permanent obstructions or  
40 risks due to hazardous operations; and

41 (d) the operating hours of the marina.

42 The department shall require, as a condition of the permit or other  
43 approval, public access to the waterfront and adjacent shoreline, as  
44 identified in the public access plan and approved by the department,  
45 during the marina's operating hours.

46 If the application includes property on which there is a beach, the  
47 department shall require public access to the beach and the public's  
48 use of the beach as a condition of the permit or other approval, and

1 activities that have the effect of discouraging or preventing the  
2 exercise of public trust rights shall be prohibited.

3 (2) After a public access plan has been approved by the department  
4 pursuant to this subsection, any changes to the public access plan shall  
5 be submitted to the department for review and approval, even if a  
6 modification to the existing permit or other approval is not otherwise  
7 required. The applicant shall submit to the department a copy of the  
8 approved plan, the proposed changes to the plan, and information that  
9 details how the proposed changes affect the approved plan. If the  
10 proposed changes reduce the public access already provided pursuant  
11 to the public access plan, the applicant shall be required to demonstrate  
12 that the proposed public access reduction is offset by other changes to  
13 the public access plan.

14 c. For the purposes of this section, public access includes visual  
15 and physical access and includes the following in any combination, as  
16 appropriate:

17 (1) a public accessway designed in accordance with rules and  
18 regulations adopted by the department, located parallel to the shoreline  
19 with perpendicular access to it;

20 (2) a boat ramp, pier, fishing pier, other facilities, or other direct  
21 access to the waterway;

22 (3) a waterfront pocket park;

23 (4) public restrooms to accommodate those using the public  
24 access; and

25 (5) additional public parking to accommodate those using the  
26 public access.

27 d. The department shall consider, when determining if public  
28 access is sufficient or appropriate, the type of public access available  
29 or needed within the area, the compatibility of the proposed public  
30 access with the applicant's proposed use of the site, the square footage  
31 of the public access area, and the environmental impact or benefit of  
32 the proposed development.

33

34 6. (New section) The Department of Environmental Protection  
35 may restrict public access to tidal waters and adjacent shorelines to  
36 protect critical habitat areas from injurious uses, or threatened or  
37 endangered species or their habitat areas from injury or injurious  
38 uses, but only to the extent necessary according to the needs of the  
39 habitat areas or species.

40

41 7. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
42 read as follows:

43 19. Preparation; contents; modification.

44 a. The planning board may prepare and, after public hearing,  
45 adopt or amend a master plan or component parts thereof, to guide the  
46 use of lands within the municipality in a manner which protects public  
47 health and safety and promotes the general welfare.

1 b. The master plan shall generally comprise a report or statement  
2 and land use and development proposals, with maps, diagrams and  
3 text, presenting, at least the following elements (1) and (2) and, where  
4 appropriate, the following elements (3) through ~~[(16)]~~ (17):

5 (1) A statement of objectives, principles, assumptions, policies and  
6 standards upon which the constituent proposals for the physical,  
7 economic and social development of the municipality are based;

8 (2) A land use plan element

9 (a) taking into account and stating its relationship to the statement  
10 provided for in paragraph (1) hereof, and other master plan elements  
11 provided for in paragraphs (3) through (14) hereof and natural  
12 conditions, including, but not necessarily limited to, topography, soil  
13 conditions, water supply, drainage, flood plain areas, marshes, and  
14 woodlands;

15 (b) showing the existing and proposed location, extent and  
16 intensity of development of land to be used in the future for varying  
17 types of residential, commercial, industrial, agricultural, recreational,  
18 open space, educational and other public and private purposes or  
19 combination of purposes including any provisions for cluster  
20 development; and stating the relationship thereof to the existing and  
21 any proposed zone plan and zoning ordinance;

22 (c) showing the existing and proposed location of any airports and  
23 the boundaries of any airport safety zones delineated pursuant to the  
24 "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-  
25 80 et al.);

26 (d) including a statement of the standards of population density  
27 and development intensity recommended for the municipality; <sup>2</sup>~~and~~<sup>2</sup>

28 (e) showing the existing and proposed location of military  
29 facilities and incorporating strategies to minimize undue encroachment  
30 upon, and conflicts with, military facilities, including but not limited  
31 to: limiting heights of buildings and structures nearby flight paths or  
32 sight lines of aircraft; buffering residential areas from noise associated  
33 with a military facility; and allowing for the potential expansion of  
34 military facilities; <sup>2</sup>and

35 (f) including, for any land use element adopted after the effective  
36 date of P.L.2017, c.275, a statement of strategy concerning:

37 (i) smart growth which, in part, shall consider potential locations  
38 for the installation of electric vehicle charging stations,

39 (ii) storm resiliency with respect to energy supply, flood-prone  
40 areas, and environmental infrastructure, and

41 (iii) environmental sustainability;<sup>2</sup>

42 (3) A housing plan element pursuant to section 10 of P.L.1985,  
43 c.222 (C.52:27D-310), including, but not limited to, residential  
44 standards and proposals for the construction and improvement of  
45 housing;

46 (4) A circulation plan element showing the location and types of  
47 facilities for all modes of transportation required for the efficient  
48 movement of people and goods into, about, and through the



1 municipality, taking into account the functional highway classification  
2 system of the Federal Highway Administration and the types,  
3 locations, conditions and availability of existing and proposed  
4 transportation facilities, including air, water, road and rail;

5 (5) A utility service plan element analyzing the need for and  
6 showing the future general location of water supply and distribution  
7 facilities, drainage and flood control facilities, sewerage and waste  
8 treatment, solid waste disposal and provision for other related utilities,  
9 and including any storm water management plan required pursuant to  
10 the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If a  
11 municipality prepares a utility service plan element as a condition for  
12 adopting a development transfer ordinance pursuant to subsection c. of  
13 section 4 of P.L.2004, c.2 (C.40:55D-140), the plan element shall  
14 address the provision of utilities in the receiving zone as provided  
15 thereunder;

16 (6) A community facilities plan element showing the existing and  
17 proposed location and type of educational or cultural facilities, historic  
18 sites, libraries, hospitals, firehouses, police stations and other related  
19 facilities, including their relation to the surrounding areas;

20 (7) A recreation plan element showing a comprehensive system of  
21 areas and public sites for recreation;

22 (8) A conservation plan element providing for the preservation,  
23 conservation, and utilization of natural resources, including, to the  
24 extent appropriate, energy, open space, water supply, forests, soil,  
25 marshes, wetlands, harbors, rivers and other waters, fisheries,  
26 endangered or threatened species wildlife and other resources, and  
27 which systemically analyzes the impact of each other component and  
28 element of the master plan on the present and future preservation,  
29 conservation and utilization of those resources;

30 (9) An economic plan element considering all aspects of economic  
31 development and sustained economic vitality, including (a) a  
32 comparison of the types of employment expected to be provided by the  
33 economic development to be promoted with the characteristics of the  
34 labor pool resident in the municipality and nearby areas and (b) an  
35 analysis of the stability and diversity of the economic development to  
36 be promoted;

37 (10) An historic preservation plan element: (a) indicating the  
38 location and significance of historic sites and historic districts; (b)  
39 identifying the standards used to assess worthiness for historic site or  
40 district identification; and (c) analyzing the impact of each component  
41 and element of the master plan on the preservation of historic sites and  
42 districts;

43 (11) Appendices or separate reports containing the technical  
44 foundation for the master plan and its constituent elements;

45 (12) A recycling plan element which incorporates the State  
46 Recycling Plan goals, including provisions for the collection,  
47 disposition and recycling of recyclable materials designated in the  
48 municipal recycling ordinance, and for the collection, disposition and

1 recycling of recyclable materials within any development proposal for  
2 the construction of 50 or more units of single-family residential  
3 housing or 25 or more units of multi-family residential housing and  
4 any commercial or industrial development proposal for the utilization  
5 of 1,000 square feet or more of land;

6 (13) A farmland preservation plan element, which shall include:  
7 an inventory of farm properties and a map illustrating significant areas  
8 of agricultural land; a statement showing that municipal ordinances  
9 support and promote agriculture as a business; and a plan for  
10 preserving as much farmland as possible in the short term by  
11 leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et  
12 al.) through a variety of mechanisms including, but not limited to,  
13 utilizing option agreements, installment purchases, and encouraging  
14 donations of permanent development easements;

15 (14) A development transfer plan element which sets forth the  
16 public purposes, the locations of sending and receiving zones and the  
17 technical details of a development transfer program based on the  
18 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

19 (15) An educational facilities plan element which incorporates the  
20 purposes and goals of the "long-range facilities plan" required to be  
21 submitted to the Commissioner of Education by a school district  
22 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and

23 (16) A green buildings and environmental sustainability plan  
24 element, which shall provide for, encourage, and promote the efficient  
25 use of natural resources and the installation and usage of renewable  
26 energy systems; consider the impact of buildings on the local, regional  
27 and global environment; allow ecosystems to function naturally;  
28 conserve and reuse water; treat storm water on-site; and optimize  
29 climatic conditions through site orientation and design; and

30 (17) A public access plan element that provides for, encourages,  
31 and promotes permanently protected public access to all tidal waters  
32 and adjacent shorelines consistent with the public trust doctrine, and  
33 which shall include a map and inventory of public access points,  
34 public facilities that support access, parking, boat ramps, and marinas;  
35 an assessment of the need for additional public access; a statement of  
36 goals and administrative mechanisms to ensure that access will be  
37 permanently protected; and a strategy that describes the forms of  
38 access to satisfy the need for such access with an implementation  
39 schedule and tools for implementation.

40 c. The master plan and its plan elements may be divided into  
41 subplans and subplan elements projected according to periods of time  
42 or staging sequences.

43 d. The master plan shall include a specific policy statement  
44 indicating the relationship of the proposed development of the  
45 municipality, as developed in the master plan to (1) the master plans of  
46 contiguous municipalities, (2) the master plan of the county in which  
47 the municipality is located, (3) the State Development and  
48 Redevelopment Plan adopted pursuant to the "State Planning Act,"

1 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and  
2 (4) the district solid waste management plan required pursuant to the  
3 provisions of the "Solid Waste Management Act," P.L.1970, c.39  
4 (C.13:1E-1 et seq.) of the county in which the municipality is located.

5 In the case of a municipality situated within the Highlands Region,  
6 as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan  
7 shall include a specific policy statement indicating the relationship of  
8 the proposed development of the municipality, as developed in the  
9 master plan, to the Highlands regional master plan adopted pursuant to  
10 section 8 of P.L.2004, c.120 (C.13:20-8).

11 (cf: P.L.2017, c.275, s.1)

12

13 <sup>3</sup>8. (New section) The department may adopt, pursuant to the  
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),  
15 rules and regulations necessary to implement the provisions of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>3</sup>

17

18 <sup>3</sup>[8.] 9.<sup>3</sup> This act shall take effect on the 60th day after the  
19 date of enactment.