

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3357

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 2019

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3357.

This bill, to be known as the “Liberty State Park Protection Act,” would preserve Liberty State Park as a public urban green open space free of inappropriate privatization by establishing certain requirements concerning actions by the Department of Environmental Protection (DEP) related to Liberty State Park and establishing a Liberty State Park Advisory Committee (committee).

The bill would prohibit the DEP from considering any proposal to commercialize, develop, or privatize Liberty State Park, except as provided in the bill. The bill would prohibit any concession, conveyance, or lease within the 235-acre natural restoration area in the interior of Liberty State Park, and at Caven Point Peninsula. The bill would require the DEP, within three years after the bill is enacted into law, to develop a management plan for Liberty State Park in consultation with the committee. The DEP would be required to present to the committee for review and recommendations: any proposed agreement for a concession, conveyance, or lease with a term of one year or longer; the extension or renewal for a term of one year or longer any concession, conveyance, or lease in effect on the date the bill is enacted into law; and any proposed special event that may have a significant impact on the ability of the public to access and enjoy Liberty State Park. In addition, the bill directs the DEP to develop and implement, in conjunction with the committee, a comprehensive public participation process to allow public citizens and civic organizations to provide public input on any proposed changes in land use at Liberty State Park or to the management plan developed pursuant the bill, and to also, at least once each year, hold a public forum to receive input from the public concerning plans, improvements, preservation, conservation, and management of the park, in addition to any public hearings that may be required pursuant to law.

Under the bill, the DEP would only approve a concession, conveyance, lease, or other agreement with a private entity to provide small-scale commercial activities that directly enhance the experience of a visitor to Liberty State Park, such as a bicycle or kayak rental concession, food concession, temporary winter skating rink, commercial boat tour operating from an existing boat slip, and use of the Central Railroad of New Jersey Terminal (“CRRNJ Terminal”),

and other uses identified in the management plan developed pursuant to the bill.

In addition, whenever the DEP proposes to enter into a concession, lease, or other agreement for a duration of one year or longer, the DEP would be required to present the proposal to the committee for review and recommendations and provide an opportunity for public comment on the proposal, including holding two public hearings at Liberty State Park, with one hearing being held on a weekday evening and one on the weekend, and providing a 30-day public comment period. In addition, the DEP would be required to take these same actions when it intends to convey lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, located within or adjacent to Liberty State Park.

The Liberty State Park Advisory Committee established by the bill would be charged with assisting the DEP in conserving, preserving, protecting, and improving Liberty State Park. In carrying out its responsibilities, the committee would give due consideration to the natural, historic, cultural, recreational, and scenic resources and the local, State, and national significance of Liberty State Park.

The committee's responsibilities would include: reviewing any matter relating to the improvement, protection, and restoration of Liberty State Park; assisting the DEP in developing the management plan required by the bill, and advising the DEP on the ecological restoration of the 235-acre interior portion of the park and means to increase public access and public enjoyment of the natural, historic, cultural, recreational, and scenic resources of the park; reviewing concessions, leases, or other agreements with a duration of one year or longer; studying any policies, plans, rules, and regulations adopted by the department that may impact Liberty State Park; and submitting to the DEP Commissioner any recommendations the committee deems necessary to improve, protect, and restore the park.

In addition, this bill would amend the "State Park and Forestry Resources Act," P.L.1983, c. 324 (C.13:1L-1 et seq.), which, in part, allows the DEP to enter agreements with private entities for the construction, operation, and maintenance for private profit of any facility, utility, or device in State parks and forests as the DEP finds proper for the use and enjoyment of the lands by the public. This bill would amend the law to reflect the provisions of this bill concerning agreements related to Liberty State Park.

Lastly, the bill would amend the "Hackensack Meadowlands Agency Consolidation Act" to delete the provision that provided the commission, i.e., the New Jersey Sports and Exposition Authority, which under current law is also referred to as the "Meadowlands Regional Commission," with certain authority concerning Liberty State Park.