

ASSEMBLY, No. 131

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Provides for no net loss of DEP lands for fishing, hunting, and trapping purposes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** providing for no net loss of certain State lands for the
2 purposes of fishing, hunting, and trapping, and supplementing
3 P.L.1983, c.324 (C.13:1L-1 et seq.) and Title 23 of the Revised
4 Statutes.

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

8
9 1. The Department of Environmental Protection shall administer
10 State parks and forests in a manner to support, promote and enhance
11 public recreational fishing, hunting, and trapping opportunities and
12 shall recognize fishing, hunting, and trapping as primary uses of
13 those lands. The Commissioner of Environmental Protection shall not
14 give preference to public recreational fishing, hunting, or trapping
15 over other primary uses of State parks and forests or other priorities
16 established by law.

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18 2. The Department of Environmental Protection shall inventory
19 the amount of acreage in State parks and forests available for public
20 recreational fishing, hunting, and trapping as of the date of enactment
21 of this act. The Commissioner of Environmental Protection shall not
22 make land management decisions or take any other action that results
23 in any net loss of acreage in State parks and forests available for public
24 recreational fishing, hunting, and trapping opportunities on or after
25 the date of enactment of this act. The commissioner shall
26 expeditiously find replacement acreage to compensate for closures of
27 any existing State park and forest land to public recreational fishing,
28 hunting, and trapping. The commissioner shall open as much State
29 park and forest land as possible for the purposes of public recreational
30 fishing, hunting, and trapping and shall, as much as possible, expand
31 public recreational fishing, hunting, and trapping opportunities when
32 acquiring any new land.

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34 3. All State park and forest land shall be accessible for public
35 recreational fishing, hunting, and trapping, except for reasons of
36 public safety or homeland security, as determined by the
37 Commissioner of Environmental Protection in consultation with the
38 State Police, or for reasons of environmental or wildlife management,
39 or as otherwise provided by law.

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41 4. The Department of Environmental Protection shall inventory
42 the amount of acreage in State wildlife management areas, wildlife
43 refuges, public hunting grounds, and recreational areas managed by
44 the Division of Fish and Wildlife as of the date of enactment of this
45 act. The Commissioner of Environmental Protection shall not make
46 any land management decisions or take any action that results in any
47 net loss of acreage, managed by the division, available for public
48 recreational fishing, hunting, and trapping opportunities on or after

1 the date of enactment of this act, except in the following
2 circumstances:

3 a. Closure due to environmental or biological reasons for the
4 protection of wildlife or fisheries or their associated habitat; or

5 b. Reduction of acreage as a result of a land exchange wherein the
6 department or division receives property of equal or greater value.

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8 5. The Commissioner of Environmental Protection shall submit a
9 written report, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
10 to the Legislature, and to the Senate Environment Committee and
11 Assembly Agriculture and Natural Resources Committee, no later than
12 the first day of March of each calendar year, which shall include:

13 a. An inventory of, and information about, the acreage managed
14 by the department that was available for public recreational fishing,
15 hunting, and trapping during the previous year, the closure of such
16 acreage, and the reasons for any closures of acreage to those uses;

17 b. An inventory of, and information about, the acreage managed
18 by the department that was opened to public recreational fishing,
19 hunting, and trapping to compensate for any acreage closed; and

20 c. The reasons why any newly acquired State parks and forests,
21 wildlife management areas, wildlife refuges, public hunting grounds,
22 and recreational areas were not open to public recreational fishing,
23 hunting, and trapping.

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25 6. The department shall work in cooperation with sportsmen,
26 conservation organizations, and others to encourage participation in
27 recreational fishing, hunting, and trapping at a level to ensure
28 continuation of such activities in perpetuity and prevent any reduction
29 in the amount of acreage available for the purposes of public
30 recreational fishing, hunting, and trapping.

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32 7. This act shall take effect immediately.

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STATEMENT

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37 This bill would protect fishing, hunting, and trapping
38 opportunities by providing for no net loss of certain State lands
39 made available for the purposes of public recreational fishing,
40 hunting, and trapping. This bill requires the Commissioner of
41 Environmental Protection to recognize fishing, hunting, and trapping
42 as primary uses of the lands and to exercise management authority in
43 order to promote and enhance public recreational fishing, hunting,
44 and trapping opportunities. The commissioner would not be required
45 to give preference to fishing, hunting, or trapping over other primary
46 uses of State park and forest land or other priorities established by law.

47 The commissioner would be required to make land management
48 decisions that do not result in any net loss of acreage available for

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1 public recreational fishing, hunting, and trapping opportunities and
2 would provide for the expeditious replacement of acreage to
3 compensate for any closures of existing land for such uses. By
4 providing for no net loss of acreage, the department would be
5 prohibited from reducing the amount of acreage of land,
6 administered by the department, available for public recreational
7 fishing, hunting, and trapping opportunities in the State, on or after
8 the date of enactment of this bill into law. Acreage dedicated to
9 State wildlife management areas, wildlife refuges, public hunting
10 grounds, and recreational areas, managed by the Division of Fish and
11 Wildlife, would not be reduced except due to environmental or
12 biological reasons for the protection of wildlife or fisheries or their
13 associated habitat, or as a result of a land exchange wherein the
14 department receives property of equal or greater value. State parks
15 and forests would be accessible for the purposes of recreational
16 fishing, hunting, and trapping unless restricted for reasons of public
17 safety or homeland security, as limited by the commissioner in
18 consultation with the State Police.

19 The commissioner would further be required to submit an annual
20 report to the Legislature and the Senate Environment Committee and
21 the Assembly Agriculture and Natural Resources Committee including
22 information regarding: the acreage managed or owned by the
23 department that had been available for public recreational fishing,
24 hunting, and trapping during the previous year, and the reasons for
25 such closures; the amount of acreage opened to public recreational
26 fishing, hunting, and trapping to compensate for the acreage closed;
27 and the reasons why any newly acquired State public park and forest
28 land, wildlife management areas, wildlife refuges, public hunting
29 grounds, and recreational areas were not open to public recreational
30 fishing, hunting, and trapping.

31 A number of states are considering legislation similar to this bill
32 and a growing number of states have passed laws protecting public
33 recreational fishing, hunting, and trapping land by preventing the
34 net loss of acreage for such uses. Similar legislation has also been
35 introduced in Congress to prevent the net loss of Federal public
36 land for the purposes of fishing, hunting, and trapping.