

ASSEMBLY, No. 2564

STATE OF NEW JERSEY

INTRODUCED DECEMBER 9, 1996

By Assemblymen BLEE and LeFEVRE

1 AN ACT concerning watershed preservation, protection and  
2 management, and providing for the expenditure of monies dedicated  
3 to watershed management pursuant to Article VIII, Section II,  
4 paragraph 6, subparagraph (a) of the New Jersey Constitution.  
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6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
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9 1. This act shall be known and may be cited as the "State and Local  
10 Watershed Management Act."  
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12 2. The Legislature finds and declares that, on November 5, 1996,  
13 the voters overwhelmingly approved an amendment to the New Jersey  
14 Constitution dedicating the equivalent of 4 percent of the revenues  
15 annually generated by the Corporation Business Tax for financing the  
16 costs of hazardous discharge site remediation, upgrading hazardous  
17 underground storage tanks, and water quality pollution monitoring,  
18 watershed based water resource planning and management, and  
19 nonpoint source pollution prevention projects; and that, of the total  
20 amount dedicated to these purposes, a minimum of \$5 million has been  
21 annually allocated for water quality monitoring, watershed planning  
22 and management and water pollution prevention projects.

23 The Legislature therefore determines that it is in the public interest  
24 to establish a program for the efficient expenditure of this dedicated  
25 funding; that such a program should be administered by the  
26 Department of Environmental Protection, and consist of the providing  
27 of grants to local watershed management groups to offset the costs of  
28 specified watershed management activities and technical guidance and  
29 support for these local initiatives; and that legislative approval and  
30 oversight of this grant program is necessary to bring about a successful  
31 State and local partnership in the area of watershed management.  
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33 3. As used in this act:

34 "Department" means the Department of Environmental Protection;

35 "Watershed" means a geographic area within which water,  
36 sediments, and dissolved materials drain to a particular receiving  
37 waterbody;

1 "Watershed management activity" means activities or projects  
2 undertaken by a watershed management group to improve the  
3 condition or prevent further degradation of a watershed, and may  
4 include, but need not be limited to, public meetings to discuss and  
5 exchange information on watershed issues, the establishment and  
6 operation of an advisory group or groups dedicated to preserving and  
7 protecting a watershed, the assessment of the condition of the  
8 watershed, the development of policy goals to reduce the amount of  
9 pollutants discharged into a watershed, the development of projects  
10 designed to enhance or restore a watershed, the development, in  
11 consultation with the department, of a watershed management plan, or  
12 the reassessment of a watershed to determine whether the policy goals  
13 or the objectives of the watershed management plan have been  
14 attained;

15 "Watershed management area" means a geographic area in the  
16 State, as designated by the department, within which may be found one  
17 or more watersheds;

18 "Watershed management group" means a group that represents the  
19 various interests within one or more watersheds located in a watershed  
20 management area that is established to improve the condition or  
21 prevent further degradation of a watershed or watersheds, and shall  
22 include local and county government officials and representatives of  
23 the business and environmental community; and

24 "Watershed management plan" means a plan developed by a  
25 watershed management group, in consultation with the department,  
26 designed to improve the condition or prevent further degradation of  
27 a watershed or watersheds, and may include a determination of the  
28 total amount of pollutants that can be discharged into the watershed  
29 or watersheds targeted by the plan.

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31 4. The department shall establish guidelines for the development of  
32 a watershed management plan. The department shall provide guidance  
33 and technical assistance to watershed management groups seeking  
34 assistance in the development of a watershed management plan.

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36 5. The department shall establish a grant program to allocate  
37 monies dedicated pursuant to Article VIII, Section II, paragraph 6,  
38 subparagraph (a) of the New Jersey Constitution for watershed  
39 management activities. A watershed management group may apply to  
40 the department for a grant pursuant to this section on forms prescribed  
41 by the department. The application shall state the objectives of the  
42 group, including the watershed management activities proposed and  
43 for which grant monies are requested. The Legislature shall, pursuant  
44 to the procedure set forth in section 6 of this act, appropriate monies  
45 dedicated pursuant to Article VIII, Section II, paragraph 6,  
46 subparagraph (a) of the New Jersey Constitution to watershed

1 management groups to offset the costs associated with watershed  
2 management activities.

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4 6. a. The department shall develop criteria for ranking watershed  
5 management areas according to the degree of environmental  
6 degradation, whereby the most environmentally degraded areas are  
7 given the highest ranking, and any other criteria deemed appropriate  
8 by the department.

9 b. Based on the criteria established pursuant to subsection a. of this  
10 section, the department shall prepare a priority list that includes the  
11 watershed management groups recommended to receive grants  
12 pursuant to section 5 of this act. The priority list shall include a  
13 description of the watershed management activity or activities  
14 proposed by each watershed management group and its purpose,  
15 impact, cost, and an explanation of the manner in which priorities and  
16 funding levels were established. A description of the ranking criteria  
17 and the priority list for the ensuing fiscal year shall be submitted to the  
18 Legislature on or before January 31 of each year on a day when both  
19 Houses are meeting. The President of the Senate and the Speaker of  
20 the General Assembly shall cause the date of submission to be entered  
21 upon the Senate Journal and the Minutes of the General Assembly,  
22 respectively, and shall cause the priority list to be introduced in each  
23 House in the form of legislative appropriations bills, and shall refer  
24 these bills to the Senate Natural Resources and Economic  
25 Development Committee and the General Assembly Environment,  
26 Science and Technology Committee, or their successors, for their  
27 respective consideration.

28 c. Within 60 days of the referral thereof, the Senate Natural  
29 Resources and Economic Development Committee and the General  
30 Assembly Environment, Science and Technology Committee, or their  
31 successors, shall, either individually or jointly, consider the legislation  
32 containing the priority list, and shall report the legislation, together  
33 with any modifications, out of committee for consideration by each  
34 House of the Legislature. On or before April 1 of each year, the  
35 Legislature shall approve the legislation appropriating monies for  
36 activities designated in the priority list, including any amendatory or  
37 supplementary provisions thereto.

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39 7. This act shall take effect immediately.

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#### STATEMENT

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44 This bill would establish a watershed management grant program  
45 within the Department of Environmental Protection (DEP) to allocate  
46 monies dedicated pursuant to Article VIII, Section II, paragraph 6,

1 subparagraph (a) of the New Jersey Constitution to watershed  
2 management groups to offset the costs associated with watershed  
3 management activities. This new constitutional provision, approved  
4 by the voters on November 5, 1996, dedicates a minimum of \$5 million  
5 for water quality monitoring, watershed planning and management and  
6 water pollution prevention projects.

7 Under the provisions of the bill, the DEP would be required to rank  
8 watershed management areas according to the extent of environmental  
9 degradation and any other factors considered relevant by the DEP.  
10 Based on the ranking criteria, the department would be required  
11 annually to prepare a priority list that includes the watershed  
12 management groups recommended to receive grants via the program.  
13 The priority list would be required to include a description of the  
14 watershed management activity or activities proposed by each  
15 watershed management group and its purpose, impact, cost, and an  
16 explanation of the manner in which priorities and funding levels were  
17 established. A description of the ranking criteria and the priority list  
18 for the ensuing fiscal year would be submitted to the Legislature on or  
19 before January 31 of each year on a day when both Houses are  
20 meeting.

21 The priority list would then be introduced in each House in the form  
22 of legislative appropriations bills, which would be referred to the  
23 Senate Natural Resources and Economic Development Committee and  
24 the General Assembly Environment, Science and Technology  
25 Committee, or their successors, for their respective consideration.  
26 Within 60 days of referral, the respective committees would be  
27 required to, either individually or jointly, consider the legislation  
28 containing the priority list, and report the legislation, together with any  
29 modifications, out of committee for consideration by each House of  
30 the Legislature. On or before April 1 of each year, the Legislature  
31 would be required to approve the legislation appropriating monies for  
32 activities designated in the priority list, including any amendatory or  
33 supplementary provisions thereto.

34 The bill also requires the DEP to establish guidelines for the  
35 development of a watershed management plan and to provide guidance  
36 and technical assistance to watershed management groups seeking  
37 assistance in the development of a plan.

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42 The "State and Local Watershed Management Act."