

SENATE, No. 531

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT establishing the New Jersey Ocean Sanctuary and providing
2 for its protection.

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

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7 1. There is established adjacent to, and in a seaward direction from,
8 the coastline, a protected ocean area to be known as the New Jersey
9 Ocean Sanctuary. The New Jersey Ocean Sanctuary shall include the
10 area extending from the New Jersey coastline to the State's seaward
11 territorial jurisdiction from the northernmost portion of Sandy Hook
12 to the southernmost portion of Cape May.

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14 2. The New Jersey Ocean Sanctuary shall be held in public trust for
15 this and future generations. It shall be administered by the Department
16 of Environmental Protection and shall be protected from any
17 exploitation, development or activity that would adversely affect the
18 public trust or substantially alter or otherwise endanger the ecology of
19 the ocean, or the seabed or subsoil therein, discolor the waters thereof
20 or present a potential danger to human or marine life.

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22 3. The following activities are prohibited in the New Jersey Ocean
23 Sanctuary except upon application to the Commissioner of
24 Environmental Protection accompanied by an environmental impact
25 assessment that the commissioner finds consistent with the provisions
26 of section 2 of this act: building any structure on the seabed or under
27 the subsoil; removing any sand, gravel or other minerals, except as
28 provided pursuant to section 5 of this act; drilling for subsoil minerals,
29 gases or oils; commercial advertising; and dumping any commercial or
30 industrial wastes, including sludge from sewage treatment plants. The
31 construction and operation of a nuclear electricity generating facility
32 is prohibited unless the commissioner finds that the proposed method
33 for disposal of radioactive waste material produced by the facility is
34 safe, conforms to standards established by the Nuclear Regulatory
35 Commission and effectively removes danger to life and the
36 environment from the waste material.

1 4. Nothing contained in this act shall authorize any exploitation,
2 development or activity, or the construction or operation of any
3 facility, in the New Jersey Ocean Sanctuary that is prohibited by any
4 other law.

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6 5. This act shall not prohibit the extraction of sand and gravel from
7 the seabed and subsoil of the sanctuary for shore protection, beach
8 restoration and navigation if that shore protection, beach restoration
9 or navigation project is approved by the Department of Environmental
10 Protection.

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12 6. Any person who violates the provisions of this act shall be liable
13 to a penalty of not more than \$3,000 for each offense, collected in a
14 summary proceeding under "the penalty enforcement law"
15 (N.J.S.2A:58-1 et seq.). If the violation is continuing, each day it
16 continues shall constitute an additional, separate and distinct offense.

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18 7. If any person violates the provisions of this act, the Department
19 of Environmental Protection may institute a civil action in a court of
20 competent jurisdiction for injunctive relief to prohibit and prevent the
21 violation or violations and the court may proceed in the action in a
22 summary manner.

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24 8. This act shall take effect immediately.

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27 STATEMENT

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29 This bill would establish a New Jersey Ocean Sanctuary extending
30 along the State's coastline from the northernmost portion of Sandy
31 Hook to the southernmost portion of Cape May and from the coastline
32 to the State's seaward territorial jurisdiction. The sanctuary would be
33 held in public trust and be administered by the Department of
34 Environmental Protection, which would have the duty to protect it
35 from any development or activity that would endanger the ecology or
36 environment of the sanctuary.

37 The bill would prohibit specific activities in the sanctuary, except
38 those activities that may be approved by the Commissioner of
39 Environmental Protection upon application accompanied by an
40 environmental impact assessment. The bill specifically provides that
41 the construction and operation of a nuclear electricity generating plant
42 is prohibited unless the proposed method of disposing waste material
43 produced by the facility conforms to the standards set by the Nuclear
44 Regulatory Commission. In addition, it would allow the extraction of
45 sand and gravel from the seabed of the sanctuary for shore protection,
46 beach restoration, and navigation if those projects are approved by the

1 Department of Environmental Protection.

2 Finally, the penalty for violating the provisions of the bill would be
3 a fine of not more than \$3,000 for each offense, and a continuing
4 violation would constitute a separate offense for each day it continues.

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9 Establishes the NJ Ocean Sanctuary and provides for its protection.