

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5894

with Assembly Floor Amendments
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: JUNE 21, 2021

These floor amendments would:

(1) provide that a petition pursuant to paragraph (2) of subsection f. of the bill may be submitted to the board within 90 days after a written request to the applicable entity, instead of 180 days after the award of offshore renewable energy certificates by the board;

(2) require a public hearing to be held on a petition received pursuant to paragraph (2) of subsection f. of the bill;

(3) specify that upon recording of a board order issued pursuant to the bill with the appropriate county recording officer, the entity constructing the qualified offshore wind project or open access offshore wind transmission facility would be considered the legal or record owner for the property interest and, in the case of an order concerning land preserved for recreation and conservation purposes, would be subject to the rules and regulations of the Department of Environmental Protection's Green Acres Program concerning the conveyance, diversion, or disposal of preserved lands, except as otherwise provided by the bill;

(4) require, as compensation when a board order issued pursuant to the bill impacts preserved land, the entity constructing the project or facility to provide funds to the Department of Environmental Protection's Office of Green Acres, a local government unit, or a qualifying tax exempt nonprofit organization for the acquisition of three times the area of preserved land within the easement, right-of-way, or other real property interest subject to the board's order in additional land for recreation and conservation purposes within the same county within three years after the board's order, rather than requiring the entity to acquire lands;

(5) provide that the compensation required by the bill, may, in the discretion of the Commissioner of Environmental Protection and the State House Commission, be found to satisfy the compensation requirements of the rules and regulations adopted by the Department of Environmental Protection concerning the conveyance, diversion, or disposal of lands preserved for recreation and conservation purposes;

(6) provide that open access offshore wind transmission facilities are given the same authorities as qualified offshore wind projects, under the bill;

(7) provide that a qualified offshore wind transmission project or an open access wind transmission facility approved by the board under the bill, would be deemed an "electric power generator" and may

proceed, notwithstanding any provisions of the “Municipal Land Use Law” to the contrary provided that the electric power generator described in a petition filed with the board is necessary for the service, convenience, or welfare of the public, or that the qualified offshore wind project or the open access offshore wind transmission facility will provide a net benefit to the environment of the State, and that no alternative site is reasonably available to achieve an equivalent public benefit; and

(8) make technical and clarifying amendments.