

ASSEMBLY, No. 4903

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 17, 2019

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman NICHOLAS CHIARAVALLOTTI

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Chaparro, Assemblyman Johnson, Assemblywomen Speight, Lopez, Assemblyman Mejia, Assemblywomen Vainieri Huttie, Murphy, Assemblymen Conaway, Holley and Giblin

SYNOPSIS

The “Liberty State Park Protection Act”; establishes Liberty State Park Advisory Committee and requirements concerning DEP actions related to Liberty State Park.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2019)

1 AN ACT concerning Liberty State Park, supplementing Title 13 of
2 the Revised Statutes, and amending P.L.1983, c.324 and
3 P.L.2015, c.19.

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

7
8 1. (New section) Sections 1 through 7 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may
10 be cited as the “Liberty State Park Protection Act.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. Liberty State Park, located in Jersey City, is a priceless New
14 Jersey and American treasure and an urban oasis in the middle of
15 densely populated metropolitan northern New Jersey;

16 b. With internationally-recognized landmarks including the
17 Statue of Liberty, and Ellis Island, and the Manhattan skyline as a
18 spectacular backdrop, Liberty State Park is one of the nation’s most
19 sacred and inspiring parks;

20 c. Encompassing over 1,200 acres, approximately 600 acres of
21 land and 600 acres of water, of which all but the interior’s 235 acre
22 natural restoration area are open to the public, the park contains
23 significant natural, historic, recreational, scenic, and cultural
24 resources;

25 d. The park, a major historic resource with its transportation and
26 immigration history, including the Central Railroad of New Jersey
27 Terminal or “CRRNJ Terminal,” is the third landmark of America's
28 Gateway “Historic Trilogy” along with Lady Liberty and Ellis
29 Island, and also is home to the Black Tom Island 1916 explosion
30 historic site;

31 e. The park is also a major natural resource as a sanctuary for
32 over 300 bird species including migratory species that use the park
33 as a stopover while on the Atlantic Flyway, and countless other
34 wildlife species;

35 f. More than five million people from around New Jersey, our
36 nation, and the world visit the park each year to take in the dramatic
37 and meaningful views and enjoy the peacefulness and passive
38 recreational opportunities of green open space, the beauty of nature
39 and wildlife habitats, family picnic areas, and fishing in the midst of
40 the most urbanized area on the East Coast;

41 g. Unfortunately, this unique and scarce urban green open space
42 has been the target of repeated privatization and commercialization
43 proposals since the park opened, and the subject of a number of
44 development proposals in recent years, including the Department of
45 Environmental Protection issuing requests for proposals to privatize

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 or commercialize portions of the park, which, if approved, would
2 have seriously jeopardized this beloved public resource and
3 severely harmed the public's ability to enjoy free and full public
4 access to and enjoyment of the park;

5 h. From the time of its opening on June 14, 1976, Liberty State
6 Park has had sustained overwhelming public support for a "free and
7 green" open space park, and overwhelming opposition to
8 privatization and commercialization proposals, as expressed in
9 public hearings, countless public comments, petitions, and in a
10 series of coalitions of local, regional, and Statewide groups to
11 protect Liberty State Park as a "People's Park" behind Lady
12 Liberty; and

13 i. It is fitting, proper, and necessary to recognize and respect this
14 history of overwhelming public opposition and to take action to
15 protect Liberty State Park from any inappropriate development
16 proposals in the future and to preserve Liberty State Park for future
17 generations.

18

19 3. (New section) As used in sections 1 through 7 of P.L. ,
20 c. (C.) (pending before the Legislature as this bill):

21 "Commissioner" means the Commissioner of Environmental
22 Protection.

23 "Committee" means the "Liberty State Park Advisory
24 Committee" established pursuant to section 6 of P.L. ,

25 c. (C.) (pending before the Legislature as this bill).

26 "Department" means the Department of Environmental
27 Protection.

28

29 4. (New section) The Department of Environmental Protection
30 shall:

31 a. not consider any proposal to commercialize, develop, or
32 privatize Liberty State Park, except as provided in accordance with
33 the provisions of P.L. , c. (C.) (pending before the
34 Legislature as this bill);

35 b. prohibit any concession, conveyance, or lease within the 235-
36 acre natural restoration area in the interior of Liberty State Park,
37 and at Caven Point Peninsula, the estuarine ecosystem for plants
38 and animals, critical bird breeding habitat, and urban environmental
39 education resource;

40 c. within three years after the date of enactment of this act,
41 develop a management plan for Liberty State Park in consultation
42 with the committee;

43 d. present to the committee for review and recommendations:

44 (1) any proposed agreement for a concession, conveyance, or
45 lease with a term of one year or longer;

46 (2) the extension or renewal for a term of one year or longer of
47 any concession, conveyance, or lease in effect on the date of

- 1 enactment of P.L. , c. (C.) (pending before the Legislature
2 as this bill); and
- 3 (3) any proposed special event that may have a significant impact
4 on ability of the public to access and enjoy Liberty State Park; and
- 5 e. develop and implement, in conjunction with the committee, a
6 comprehensive public participation process to allow public citizens
7 and civic organizations to provide public input on any proposed
8 changes in land use at Liberty State Park or to the management plan
9 developed pursuant to subsection c. of this section;
- 10 f. at least once each year, hold a public forum to receive input
11 from the public concerning plans, plans, improvements,
12 preservation, conservation, and management of Liberty State Park,
13 in addition to any public hearings that may be required pursuant to
14 law; and
- 15 g. post in a prominent location on the department's website:
- 16 (1) any proposed actions by the department that would impact
17 Liberty State Park;
- 18 (2) the minutes of the committee pursuant to subsection k. of
19 section 6 of P.L. , c. (C.) (pending before the Legislature as
20 this bill); and
- 21 (3) copies of any reports received by the commissioner pursuant
22 to subsection b. of section 7 of P.L. , c. (C.) (pending before
23 the Legislature as this bill).
- 24
- 25 5. (New section) Notwithstanding the provisions of any other
26 law, or rule or regulation adopted pursuant thereto to the contrary:
- 27 a. the Department of Environmental Protection shall only
28 approve a concession, conveyance, lease, or other agreement with a
29 private entity to provide small-scale commercial activities that
30 directly enhance the ability of a visitor to enjoy the natural, historic,
31 cultural, recreational, and scenic resources of Liberty State Park,
32 such as a bicycle or kayak rental concession, food concession,
33 temporary winter skating rink, commercial boat tour operating from
34 an existing boat slip, use of the Central Railroad of New Jersey
35 Terminal, and uses identified in the management plan developed
36 pursuant to section 4 of this act;
- 37 b. whenever the department proposes to enter into a concession,
38 lease, or other agreement for a duration of one year or longer, the
39 department shall:
- 40 (1) present the proposal to the committee for review and
41 recommendations; and
- 42 (2) provide an opportunity for public comment on the proposal,
43 including holding two public hearings at Liberty State Park, with
44 one hearing being held on a weekday evening and one on the
45 weekend, and providing a 30-day comment period;
- 46 c. whenever the department intends to convey, pursuant to the
47 provisions of P.L.1993, c.38 (C.13:1D-51 et seq.), lands acquired or
48 developed by the State with Green Acres funds, or acquired or

1 developed by the State in any other manner and administered by the
2 department, located within or adjacent to Liberty State Park, the
3 department shall:

4 (1) present the proposal to the committee for review and
5 recommendations; and

6 (2) provide an opportunity for public comment on the proposal,
7 including holding two public hearings at Liberty State Park, with
8 one hearing being held on a weekday evening and one on the
9 weekend, and providing a 30-day comment period.

10

11 6. (New section) a. There is established a Liberty State Park
12 Advisory Committee in the Department of Environmental
13 Protection, to assist the department with conserving, preserving,
14 protecting, and improving Liberty State Park. In carrying out its
15 responsibilities, the committee shall give due consideration to the
16 natural, historic, cultural, recreational, and scenic resources and the
17 local, State, and national significance of Liberty State Park.

18 b. The committee shall consist of nine members, as follows:

19 (1) the Commissioner of Environmental Protection, or the
20 commissioner's designee, who shall serve as an ex officio, non-
21 voting member;

22 (2) the Superintendent of Liberty State Park, or the
23 superintendent's designee, who shall serve as an ex officio, non-
24 voting member;

25 (3) the president of the Friends of Liberty State Park, or the
26 president's designee;

27 (4) the NY/NJ Baykeeper Chief Executive Officer, or the
28 officer's designee;

29 (5) the president of the Hudson River Waterfront Conservancy,
30 or the president's designee; and

31 (6) the president of the Jersey City Parks Coalition, or the
32 president's designee;

33 (7) the chair of the Jersey City Environmental Commission, or
34 the chair's designee; and

35 (8) two members appointed by the Governor with the advice and
36 consent of the Senate as follows:

37 (a) one member from the State's academic community with
38 expertise, knowledge, or experience in history, landscape
39 architecture, park management, environmental protection, or
40 ecology; and

41 (b) one member from a Statewide environmental organization
42 with expertise, knowledge, or experience in ecology, environmental
43 protection, land management, or natural resources protection.

44 The public members appointed by the Governor with the advice
45 and consent of the Senate shall be appointed for three-year terms,
46 except that of those first appointed, one shall be appointed for a
47 term of two years, and one for a term of three years.

- 1 c. Any vacancy in the membership shall be filled in the same
2 manner as the original appointment.
- 3 d. The committee shall organize as soon as possible after the
4 appointment of its members and shall annually elect a chairperson
5 and a vice-chairperson from among its members, and a secretary
6 who need not be a member of the committee.
- 7 e. The committee shall meet at the call of the chairperson or the
8 commissioner or when requested by any four members of the
9 committee.
- 10 f. A majority of the voting members of the committee shall
11 constitute a quorum for the transaction of committee business.
- 12 g. The department shall provide primary staff support to the
13 committee.
- 14 h. The committee shall be entitled to the assistance and service
15 of the employees of any State, county or municipal department,
16 board, bureau, commission, authority, or agency as it may require
17 and as may be available to it for its purposes, and to employ
18 stenographic and clerical assistance and to incur traveling or other
19 miscellaneous expenses as may be necessary in order to perform its
20 duties, within the limits of funds appropriated or otherwise made
21 available to it for its purposes.
- 22 i. The members of the committee shall serve without
23 compensation, but may be reimbursed for necessary expenses
24 incurred in the performance of their duties, within the limits of
25 funds appropriated or otherwise made available to the committee
26 for its purposes.
- 27 j. The committee shall be subject to the provisions of the
28 "Senator Byron M. Baer Open Public Meetings Act," P.L.1975,
29 c.231 (C.10:4-6 et seq.).
- 30 k. A true copy of the minutes of every meeting of the committee
31 shall be prepared and made available to the public. The minutes
32 shall also be made available on the department's website.
- 33 l. The committee shall call upon the National Park Service and
34 request the participation of a representative from that agency to
35 serve on the committee, as a non-voting member, to provide
36 information and guidance on park management issues and the
37 availability of federal funds, including means to partner with the
38 federal government to enhance the ability of the public to
39 experience the natural, historic, cultural, recreational, and scenic
40 resources of Liberty State Park, including access to the Statute of
41 Liberty and Ellis Island.
- 42
- 43 7. (New section) a. The Liberty State Park Advisory Committee
44 shall:
- 45 (1) review any matter relating to the improvement, protection,
46 and restoration of Liberty State Park;
- 47 (2) assist the department in developing the Liberty State Park
48 management plan required pursuant to subsection c. of section 4 of

- 1 P.L. , c. (C.) (pending before the Legislature as this bill),
2 and advise the department on the ecological restoration of the 235-
3 acre interior portion of Liberty State Park and means to increase
4 public access and public enjoyment of the natural, historic, cultural,
5 recreational, and scenic resources of the park;
- 6 (3) review any proposed agreement for a concession,
7 conveyance, lease, or other agreement for a duration of one year or
8 longer at Liberty State Park;
- 9 (4) request from the commissioner any information concerning
10 Liberty State Park as it may deem necessary;
- 11 (5) study any policies, plans, rules, and regulations adopted by
12 the department that may impact Liberty State Park; and
- 13 (6) submit to the commissioner any recommendations the
14 committee deems necessary to improve, protect, and restore Liberty
15 State Park.
- 16 b. The committee shall present a report of its activities, findings,
17 and recommendations to the commissioner within one year after its
18 organizational meeting, and annually thereafter. The committee
19 shall also submit copies of its reports to the Governor and, pursuant
20 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.
- 21
- 22 8. Section 6 of P.L.1983, c. 324 (C.13:1L-6) is amended to read
23 as follows:
- 24 6. a. Notwithstanding any other law, rule , or regulation to the
25 contrary, the department shall have the authority to grant such
26 rights or privileges to individuals or corporations for the
27 construction, operation , and maintenance for private profit of any
28 facility, utility , or device upon the State parks and forests, lands ,
29 and waters as the department shall find necessary and proper for the
30 use and enjoyment of the lands by the public. Such rights and
31 privileges shall include, but not be limited to, concessions,
32 franchises, licenses, permits , and other rights and privileges
33 deemed by the department to be appropriate in the utilization of the
34 lands for the public benefit. The grant or award of such rights or
35 privileges shall be made in the name of the State of New Jersey and
36 executed by the department, at such price and upon such terms and
37 conditions as shall be fixed by the department.
- 38 b. The department shall have the authority to acquire rights and
39 privileges in lands owned by individuals or corporations where the
40 department deems it necessary or useful, for the proper
41 implementation of the provisions of **【this amendatory and**
42 **supplementary act】** P.L.1983, c. 324 (C.13:1L-1 et seq.) , that an
43 interest in such lands be acquired. Such rights and privileges shall
44 include, but not be limited to, leases, licenses, concessions,
45 franchises , and permits. Any rights or privileges acquired
46 hereunder and the considerations therefor shall be subject to terms
47 and conditions fixed by the department.

1 c. Notwithstanding the provisions of subsection a. of this section
2 to the contrary, commencing on the date of enactment of P.L. _____,
3 c. (C. _____) (pending before the Legislature as this bill), the
4 department shall not grant any rights or privileges to an individual
5 or corporation for the construction, operation, and maintenance for
6 private profit of any facility, utility, or device at Liberty State Park
7 except as may be allowed pursuant to the provisions of P.L. _____,
8 c. (C. _____) (pending before the Legislature as this bill).

9 (cf: P.L.1983, c.324, s.6)

10
11 9. Section 19 of P.L.2015, c.19 (C.5:10A-19) is amended to read
12 as follows:

13 19. In addition to any powers established pursuant to section 5
14 of P.L.1971, c.137 (C.5:10-5), and the powers established pursuant
15 to section 7 of P.L.2015, c.19 (C.5:10A-7), the commission shall
16 endeavor to safeguard the environmental resources of the district
17 and provide quality public recreation and educational opportunities.

18 The commission may:

19 a. Target and prioritize potential preservation sites for
20 acquisition, deed restriction, and conservation easements, including
21 large tracts of wetlands sites;

22 b. Preserve wetlands to protect wildlife, water quality, and
23 flood storage value;

24 c. Review preservation sites for potential wetland enhancement
25 and mitigation;

26 d. Improve connections among the district's trails and habitats,
27 reducing fragmentation;

28 e. Identify missing links in the existing trail system, as well as
29 key locations for connecting to wildlife viewing stations,
30 environmental venues, boat launches, docks, and other active and
31 passive recreational attractions;

32 f. Increase both active and passive recreational uses;

33 g. Eliminate or control the presence of other invasive plant and
34 animal species;

35 h. Maintain and improve targeted habitats relative to breeding,
36 wintering, feeding, and other wildlife activities;

37 i. Maintain the value of the Hackensack meadowlands as an
38 urban sanctuary for birds using the Atlantic Flyway;

39 j. Seek available funding for land acquisition, protection, and
40 management of wildlife preserves;

41 k. Maintain and restore the ecology of the waterways,
42 including the estuary, shorelines, and nursery habitat for fish;

43 l. Continue monitoring water quality by collecting and
44 analyzing data to determine trends, document improvements, and
45 assess the need for additional, or more stringent, measures;

46 m. **【**The provisions of section 6 of P.L.1984, c.128 (C.13:17-
47 6.1), or any other law, rule, or regulation regarding purchases,
48 contracts, or agreements to the contrary notwithstanding, at the

1 request of the Commissioner of Environmental Protection, evaluate,
2 approve, and implement any plan or plans for the further
3 preservation, development, enhancement, or improvement of
4 Liberty State Park and the buildings, structures, properties, and
5 appurtenances related thereto, or incidental to, necessary for, or
6 complementary to the park. The commission may avail itself of any
7 plans under review by the Department of Environmental Protection
8 from any source that may promote expanded and diverse
9 recreational, cultural, and educational opportunities for visitors to
10 Liberty State Park and provide greater access to park facilities. Any
11 approved plans shall constitute a project of the commission, but
12 shall not be adopted as part of the master plan. Any plans approved
13 by the commission shall be subject to the provisions of P.L.1981,
14 c.447 and subject to approval or disapproval by the Commissioner
15 of Environmental Protection. In evaluating any plan, the
16 Commissioner shall prepare an assessment of environmental
17 impacts on the plan, and how those impacts, if any, may be avoided,
18 minimized, or mitigated. At least one public hearing in connection
19 with plans under consideration by the commission shall be held at
20 Liberty State Park. Nothing in this subsection shall be construed to
21 transfer ownership of any of the property of Liberty State Park to
22 the commission or any other person;] (Deleted by amendment,
23 P.L. , c.) (pending before the Legislature as this bill) and
24 n. Operate a not-for-profit organization which shall continue
25 research opportunities of the Meadowlands Environmental Research
26 Institute.
27 (cf: P.L.2015, c.72, s.10)

28
29 10. This act shall take effect immediately.
30

31 32 STATEMENT

33
34 This bill, to be known as the “Liberty State Park Protection Act,”
35 would preserve Liberty State Park as a public urban green open
36 space free of inappropriate privatization by establishing certain
37 requirements concerning actions by the Department of
38 Environmental Protection (DEP) related to Liberty State Park and
39 establishing a Liberty State Park Advisory Committee (committee).

40 The bill would prohibit the DEP from considering any proposal
41 to commercialize, develop, or privatize Liberty State Park, except
42 as provided in the bill. The bill would prohibit any concession,
43 conveyance, or lease within the 235-acre natural restoration area in
44 the interior of Liberty State Park, and at Caven Point Peninsula.
45 The bill would require the DEP, within three years after the bill is
46 enacted into law, to develop a management plan for Liberty State
47 Park in consultation with the committee. The DEP would be
48 required to present to the committee for review and

1 recommendations: any proposed agreement for a concession,
2 conveyance, or lease with a term of one year or longer; the
3 extension or renewal for a term of one year or longer any
4 concession, conveyance, or lease in effect on the date the bill is
5 enacted into law; and any proposed special event that may have a
6 significant impact on the ability of the public to access and enjoy
7 Liberty State Park. In addition, the bill directs the DEP to develop
8 and implement, in conjunction with the committee, a
9 comprehensive public participation process to allow public citizens
10 and civic organizations to provide public input on any proposed
11 changes in land use at Liberty State Park or to the management plan
12 developed pursuant the bill, and to also, at least once each year,
13 hold a public forum to receive input from the public concerning
14 plans, improvements, preservation, conservation, and management
15 of the park, in addition to any public hearings that may be required
16 pursuant to law.

17 Under the bill, the DEP would only approve a concession,
18 conveyance, lease, or other agreement with a private entity to
19 provide small-scale commercial activities that directly enhance the
20 experience of a visitor to Liberty State Park, such as a bicycle or
21 kayak rental concession, food concession, temporary winter skating
22 rink, commercial boat tour operating from an existing boat slip, and
23 use of the Central Railroad of New Jersey Terminal (“CRRNJ
24 Terminal”), and other uses identified in the management plan
25 developed pursuant to the bill.

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

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

46 The committee’s responsibilities would include: reviewing any
47 matter relating to the improvement, protection, and restoration of
48 Liberty State Park; assisting the DEP in developing the

1 management plan required by the bill, and advising the DEP on the
2 ecological restoration of the 235-acre interior portion of the park
3 and means to increase public access and public enjoyment of the
4 natural, historic, cultural, recreational, and scenic resources of the
5 park; reviewing concessions, leases, or other agreements with a
6 duration of one year or longer; studying any policies, plans, rules,
7 and regulations adopted by the department that may impact Liberty
8 State Park; and submitting to the DEP Commissioner any
9 recommendations the committee deems necessary to improve,
10 protect, and restore the park.

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

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

25 Liberty State Park, located in Jersey City, is a priceless New
26 Jersey and American treasure and an urban oasis in the middle of
27 densely populated metropolitan northern New Jersey. With
28 internationally-recognized landmarks including the Statue of
29 Liberty, and Ellis Island, and the Manhattan skyline as a spectacular
30 backdrop, Liberty State Park is one of the nation’s most sacred and
31 inspiring parks. Encompassing over 1,200 acres, approximately
32 600 acres of land and 600 acres of water, of which all but the
33 interior’s 235 acres are open to the public, the park contains
34 significant natural, historic, recreational, scenic, and cultural
35 resources. Unfortunately, this unique urban green open space has
36 been the target of repeated privatization and commercialization
37 proposals since the park opened, and the focus of a number of
38 inappropriate development proposals in recent years, which, if
39 approved, would have seriously jeopardized this beloved public
40 resource and severely harmed the public’s ability to enjoy free and
41 full public access to and enjoyment of the park. This bill would
42 protect Liberty State Park from any future proposals to
43 commercialize or privatize this State and national treasure.