SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1449

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Senate Environment and Energy Committee reports without recommendation Senate Bill No. 1449.

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

The bill would prohibit the DEP from considering any proposal to commercialize, develop, or privatize Liberty State Park, except as provided in the bill. The bill would prohibit the DEP from conveying, leasing, or otherwise transferring any property rights within the 235-acre natural restoration area in the interior of Liberty State Park and the Caven Point Peninsula. The bill would require the DEP, within five years after the bill is enacted into law, to develop a management plan for Liberty State Park in consultation with the committee. The bill would also require the DEP to develop a map of Liberty State Park, which includes all public lands purchased, donated, conveyed, and owned in fee simple that the DEP manages and identifies as Liberty State Park.

The DEP would be required to consult the committee for review and recommendations prior to entering an agreement for a concession, conveyance, lease, or other transfer of property rights of any portion of Liberty State Park and prior to the extension or renewal for a term of one year or longer of any lease in effect on the date the bill is enacted into law. In addition, the bill directs the DEP to develop and implement, in conjunction with the committee, a public participation process to allow public citizens and civic organizations to provide public input on any proposed changes in land use at Liberty State Park or to the management plan developed pursuant the bill. The bill would also require the DEP to at least once each year, hold a public forum to receive input from the public concerning plans, including the management plan to be developed pursuant to the bill, improvements, preservation, conservation, and management of the park, in addition to any other public hearings that may be required pursuant to law.

Under the bill, the DEP would only approve an agreement for concession, conveyance, lease, or other agreement transferring the property rights of Liberty State Park, including an extension or

renewal, with a private entity to provide small-scale commercial activities, if the agreement enhances the experience of a visitor to Liberty State Park for recreation and conservation purposes or another use identified in the management plan developed pursuant to the bill.

In addition, prior to entering into an agreement for a lease, including an extension or renewal, conveyance, or other transfer of property rights of any portion of Liberty State Park with a term of one year or longer, the DEP would be required to present the proposal to the committee for review and recommendations, provide a 30-day public comment period, and hold at least two public hearings at Liberty State Park, with one hearing being held on a weekday evening and one on the weekend. In addition, the DEP would be required to take these same actions when it intends to convey lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, located within or adjacent to Liberty State Park.

The bill provides that the DEP may renew or amend an existing agreement or execute a new agreement of the continued operation of the Liberty Science Center or an existing marina, provided that the Liberty Science Center or marina are not expanded beyond their footprint of operation as of the effective date of the bill.

The bill would require the DEP, no fewer than 45 days prior to the issuance of any request for proposal or similar solicitation for a concession, to provide the solicitation to the committee for review and comment, and require that if a solicitation is not issued, the DEP would provide the committee with the proposed concession no fewer than 45 days prior to execution. If a solicitation has been provided to the committee for review and comment, the DEP would not be required to provide the associated concession agreement to the committee for review and comment prior to execution, provided the concession agreement is materially consistent with the solicitation presented to the committee.

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

The committee's responsibilities would include: (1) assisting the DEP in developing the management plan required by the bill; (2) advising the DEP on the ecological restoration of the 235-acre interior portion of the park and means to increase public access and public enjoyment of the natural, historic, cultural, recreational, and scenic resources of the park; (3) reviewing and making recommendations on agreements for leases, including extensions or renewals, conveyances, or other transfers of property rights of any portion of Liberty State Park with a term of one year or longer; and (4) submitting to the

Commissioner of the DEP any recommendations the committee deems necessary to improve, protect, and restore the park.

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

Lastly, the bill would amend the "Hackensack Meadowlands Agency Consolidation Act" to delete the provision that provided the New Jersey Sports and Exposition Authority, which under current law is also referred to as the "Meadowlands Regional Commission," with certain authority concerning Liberty State Park.