

CHAPTER 45

AN ACT establishing the Liberty State Park Design Task Force, and supplementing Title 13 of the Revised Statutes.

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

1. This act shall be known and may be cited as the “Liberty State Park Conservation, Recreation, and Community Inclusion Act.”

2. The Legislature finds and declares that:

a. Liberty State Park, located along the waterfront of Jersey City, is an urban oasis for New Jersey residents and visitors from all over the world with internationally recognized landmarks including the Statue of Liberty, Ellis Island, and the Manhattan skyline;

b. More than five million people from around New Jersey, our nation, and the world visit the park each year to bask in the shadows of Lady Liberty, and enjoy the park’s facilities with an average 750,000 annual visitors to the Liberty Science Center and around 700,000 annual visitors to the Statute of Liberty and Ellis Island ferry service passengers;

c. In 1977, following an intensive multi-stakeholder community development process that included 23 public input meetings throughout the City of Jersey City as well as Newark, Hoboken, and Trenton, a Master Plan was developed by the Liberty State Park Study and Planning Commission, and approved by the Department of Environmental Protection. Along with open space, natural trails, and wildlife preservation areas, the Master Plan included various recreational uses including an amphitheater, marinas, an aquarium, an agricultural center, fishing piers, community gardens and greenhouses, public pools, ball fields, ball courts, and tennis courts. The Master Plan also contemplated a public transportation system to allow members of the surrounding lower-income community to have free and unfettered access to the Park;

d. The Liberty State Park Study and Planning Commission established Master Plan Guidelines, which stated that, “A park is for the people! And people are both young and old, active and contemplative, found in grounds and in solitude, artistic and athletic, nature lovers, city dwellers, residents from neighboring areas and visitors from afar. The park, in a manner similar to the great parks being enjoyed today which were planned a century or more ago, must continue to expand to meet the needs of all persons visiting the park; the park must be a growing, living organism. The Commission feels that Liberty State Park should be planned to serve a multitude of recreational needs of various visitors to the park. It will indeed be a green cornerstone for an entire urban shore, a nature environment with urban convenience. It should have a proper mixture of various types of recreation and leisure activities”;

e. Development of Liberty State Park in accordance with the 1977 Master Plan was affected by the park’s industrial past due to the presence of environmental contamination, as well as an overall lack of funding and lack of input from minority communities;

f. During Superstorm Sandy in October 2012, an 11-foot storm surge flooded Liberty State Park causing millions of dollars of extensive damage to natural resources, open space areas, and recreational spaces, such as walkways, picnic areas, playgrounds, and certain historic structures. With almost a decade since Superstorm Sandy, not only has the park not been fully restored nor repaired, but there has not been an extensive adaptation and resiliency plan implemented to prevent damage from future storms and protect surrounding communities. Following a revision of coastal flood maps in the wake of Superstorm Sandy, Liberty State Park is located in a Special Flood Hazard Area as identified by the United States Federal

Emergency Management Agency with the majority of the area in the high risk “AE Flood Zone” and high risk coastal area “VE Flood Zone”;

g. On October 29, 2019, Governor Phil Murphy signed Executive Order No. 89 establishing new requirements aimed at building Statewide and community resilience, including the development of a Statewide Climate Change Resilience Strategy, which declared that “New Jersey is especially vulnerable to the impacts of sea level rise, increased flooding and other aspects of climate change, with potentially disastrous consequences for public health and safety” and acknowledged that “minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding”;

h. Liberty State Park has the strong potential to promote the goals of Executive Order No. 89 as well as the overall purposes and objectives of the “State Park and Forestry Resources Act,” P.L.1983, c.324 (C.13:1L-1 et seq.), the “New Jersey Green Acres Land Acquisition Act of 1961,” P.L.1961, c. 45 (C.13:8A-1 et seq.), and other State laws concerning State parks and forests, and the use of lands for recreation and conservation purposes, by providing equal access to Liberty State Park for public use and enjoyment of conservation areas, open space, and recreational areas, especially to those local residents disproportionately affected by climate change and the COVID-19 pandemic;

i. On August 5, 2021, the Department of Environmental Protection created the Liberty State Park Design Task Force for the purposes of engaging with, and providing advice and recommendations to, the Department of Environmental Protection to inform the development of conceptual and design plans to improve conservation and recreational opportunities in Liberty State Park to meet the diverse needs of the public, and, while the task force has made some progress towards those goals, it is clear that Liberty State Park is in need of significant improvements and future maintenance plans that require the long-term support of the Legislature; and

j. The Legislature hereby finds and declares that Liberty State Park requires critical investments to accommodate short-term and long-term action items that will improve conservation, recreational, and transportation opportunities within the park and provide for the continued maintenance of the park, and such investment is in the best interest of the citizens of this State and that the provision of recreational programs to all segments of the public enhances the public health, prosperity, and general welfare, and is a proper responsibility of the State.

3. As used in this act:

“Commissioner” means the Commissioner of Environmental Protection.

“Department” means the Department of Environmental Protection.

“Task force” means the Liberty State Park Design Task Force established by the commissioner by administrative order dated September 23, 2021 and established pursuant to section 4 of this act.

4. a. There is established in the Department of Environmental Protection a Liberty State Park Design Task Force to advise the department on developing both:

(1) short-term action items designed to improve public use and enjoyment of conservation and recreation areas within Liberty State Park; and

(2) a long-term master plan for Liberty State Park that includes the (a) improvement of park facilities, programs, and amenities, (b) creation of new transportation and mobility

services to the park to ensure equal access for all community residents to the park and within the park, and (c) further preservation of the park's natural resources and wildlife and protection against climate change.

b. In carrying out its responsibilities, the task force shall give due consideration to the natural, historic, cultural, recreational, economic, and scenic resources, and the local, State, and national significance of Liberty State Park. The task force shall (1) reflect the diversity of the Hudson County and the Jersey City community, (2) give due consideration to the creation of recreational and cultural opportunities and access to the park for all residents, and (3) consider how the local community can participate and benefit from the improved park.

c. The Liberty State Park Design Task Force shall consist of 23 members as follows:

(1) the department's Assistant Commissioner for State Parks, Forests, and Historic Sites, or the assistant commissioner's designee, who shall serve ex officio;

(2) the department's Administrator of Urban State Parks and Initiatives, or the administrator's designee, who shall serve ex officio;

(3) the Superintendent of Liberty State Park, or the superintendent's designee, who shall serve ex officio;

(4) the Bureau Chief of the department's Office of Natural Resource Restoration, or the chief's designee, who shall serve ex officio;

(5) the president of the Friends of Liberty State Park, or the president's designee, who shall serve ex officio;

(6) the president of Liberty State Park for All, or the president's designee, who shall serve ex officio;

(7) the mayor of Jersey City, or the mayor's designee, who shall serve ex officio;

(8) the director of the Jersey City Department of Recreation and Youth Development, or the director's designee, who shall serve ex officio;

(9) the Hudson County Commissioner for District 3, or the commissioner's designee, who shall serve ex officio;

(10) the chief of the Hudson County Division of Parks, or the chief's designee, who shall serve ex officio;

(11) the superintendent of Jersey City Public Schools, or the superintendent's designee, who shall serve ex officio;

(12) the president of the NAACP, New Jersey State Conference, or the president's designee, who shall serve ex officio;

(13) the president of the NAACP, Jersey City Branch, or the president's designee, who shall serve ex officio;

(14) two members of the public appointed by the Governor;

(15) two members of the public appointed by the Senate President;

(16) two members of the public appointed by the Speaker of the General Assembly; and

(17) four residents of Jersey City selected by the co-chairs of the task force and approved by the commissioner.

d. The task force shall be co-chaired by the department's Assistant Commissioner for State Parks, Forests, and Historic Sites, or the designee thereof, and the department's Administrator of Urban State Parks and Initiatives, or the designee thereof. The task force shall meet at the call of the co-chairs. At least 13 members of the task force shall constitute a quorum for the transaction of task force business.

e. The department shall provide administrative staff support to the task force at the discretion of the co-chairs.

f. The members of the task force shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the committee for its purposes.

g. The task force shall be subject to the provisions of the “Senator Byron M. Baer Open Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et seq.).

h. A true copy of the minutes of every meeting of the task force shall be prepared and made available to the public. The minutes shall also be made available on the department's Internet website.

5. a. The task force shall present the department with recommendations related to immediate action items designed to improve conservation and recreational opportunities in Liberty State Park, including immediate plans to address:

(1) the need for environmental justice and social equity to ensure equal access to the park for public use and enjoyment of conservation areas, open space, and recreational areas;

(2) the preservation of natural resources through a resiliency plan that allows the park to withstand rising sea levels and future flooding;

(3) wildlife management and habitat restoration planning for the protection of native and endangered species and migratory birds;

(4) transportation and mobility planning to improve access for all community residents to the park and within the park;

(5) upgrades to park facilities, programs, and amenities, and the development of new recreational and athletic facilities suitable for all age groups, provided that the task force shall not recommend the construction of a casino in the park and that any recommendation for the construction of renewable energy facilities is limited to rooftops and parking areas; and

(6) cultural and arts opportunities in the park.

b. No later than nine months after the date of enactment of this act, and after holding at least three public meetings at which members of the public may participate and submit written comments, the task force shall consider the public comments and submit to the department recommendations to consider in the development of a master plan that outlines long-term plans and capital projects designed to address the items enumerated in subsection a. of section 4 of this act and paragraphs (1) through (6) of subsection a. of this section. At least one of the public meetings shall take place on a weekday in the evening and at least one shall take place on a weekend during the day.

c. The task force shall:

(1) engage with and receive recommendations from the community to assist the department in implementing any action item recommended pursuant to subsection a. or b. of this subsection and ensure broad community engagement in the park's management and planning activities;

(2) work with New Jersey Economic Development Authority and local economic and community organizations to provide workforce development opportunities;

(3) work with local environmental organizations and local governmental entities to develop recommendations to maintain and upgrade natural and scenic wildlife areas and trails, and improve flood mitigation and resiliency efforts in the park;

(4) work with local recreational and amateur sports organizations to develop recommendations to maintain and upgrade recreational facilities in the park;

(5) work with local transportation advocates and local governmental entities to develop recommendations on how to improve and maintain access to and within the park;

(6) identify potential sources of funding for land acquisition, protection, and management of wildlife preserves; and

(7) work with local conservation and scientific organizations to develop recommendations to maintain and restore the ecology of the waterways, including the estuary, shorelines, and nursery habitat for aquatic species.

d. The task force shall expire 24 months after the effective date of this act.

6. Upon completion of the master plan for Liberty State Park, the Department of Environmental Protection shall, within 45 days, submit, to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a written report identifying additional capital funding priorities for the park.

7. Nothing in this act shall be construed to amend, repeal, limit, or otherwise affect the authority or ownership interests of the Department of Environmental Protection pursuant to the "State Park and Forestry Resources Act," P.L.1983, c.324 (C.13:1L-1 et seq.), the "New Jersey Green Acres Land Acquisition Act of 1961," P.L.1961, c. 45 (C.13:8A-1 et seq.), or any other law concerning State parks or forests or the use of lands for recreation and conservation purposes.

8. The Department of Environmental Protection is authorized to utilize the amount of \$50 million appropriated from the federal "Coronavirus State Fiscal Recovery Fund" (SFRF) established pursuant to the federal "American Rescue Plan Act of 2021," Pub. L. 117-2, and any other similar type of federal law that may be hereafter enacted, in the Fiscal Year 2023 appropriations act, P.L.2022, c.49 to support activities identified by the Liberty State Park Design Task Force, and approved by the department, primarily to improve recreational, cultural, and transportation activities and maintain and upgrade scenic and wildlife habitats and areas at Liberty State Park.

9. This act shall take effect immediately and shall expire 24 months following enactment.

Approved June 30, 2022.