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RH/CL

P.L. 2021, CHAPTER 195, *approved August 10, 2021*  
Assembly, No. 5822

1 AN ACT renaming the Dismal Swamp and Dismal Swamp  
2 Preservation Commission and amending P.L.2009, c.132.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.2009, c.132 (C.40:55D-88.1) is amended to  
8 read as follows:

9 1. This act shall be known and may be cited as the **["Dismal**  
10 **Swamp]** "Peter J. Barnes III Wildlife Preservation Act."  
11 (cf: P.L.2009, c.132, s.1)

12  
13 2. Section 2 of P.L.2009, c.132 (C.40:55D-88.2) is amended to  
14 read as follows:

15 2. The Legislature finds and declares that:

16 a. The Dismal Swamp Conservation Area in Middlesex County  
17 is approximately 660 acres of freshwater wetlands, forested  
18 uplands, and meadows in a densely populated, highly developed  
19 central part of the State, offering unique natural habitat including  
20 federal priority wetlands;

21 b. The Dismal Swamp Conservation Area is a birding oasis in a  
22 densely developed region of the State where over 175 different bird  
23 species have been spotted, including the threatened and endangered  
24 grasshopper sparrow and yellow-crowned night-heron;

25 c. In addition to over 175 bird species, 25 mammals and over a  
26 dozen reptile and amphibian species have been sighted in the  
27 Dismal Swamp Conservation Area;

28 d. Archeological digs in the Dismal Swamp Conservation Area  
29 have uncovered at least five significant archeological sites,  
30 including one at least 10,000 years old;

31 e. This area, spanning Edison Township, Metuchen Borough,  
32 and South Plainfield Borough in Middlesex County, represents one  
33 of the last remaining wetland ecosystems in a highly urbanized  
34 environment in the State;

35 f. The area consists of privately and publicly owned parcels of  
36 land within three municipalities, each with its own planning and  
37 zoning authority, and as a result, decisions concerning development  
38 within the area are made without a coherent plan; and

39 g. It is therefore appropriate and in the best interests of the  
40 State to encourage the local governing bodies of Edison Township,  
41 Metuchen Borough, and South Plainfield Borough, respectively, in

**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 Middlesex County to establish a **【Dismal Swamp】** Peter J. Barnes  
2 III Wildlife Preservation Commission to provide comprehensive  
3 regulatory authority and regional planning for the area with a  
4 primary focus on protecting and preserving the ecological,  
5 historical, and recreational values of the area.

6 (cf: P.L.2009, c.132, s.2)

7

8 3. Section 3 of P.L.2009, c.132 (C.40:55D-88.3) is amended to  
9 read as follows:

10 3. As used in this act:

11 "Application for development" means the application form and  
12 all accompanying documents required by municipal ordinance for  
13 approval of a subdivision plat, site plan, planned development,  
14 conditional use, zoning variance or other permit as provided in the  
15 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

16 "Commission" means the **【Dismal Swamp】** Peter J. Barnes III  
17 Wildlife Preservation Commission established pursuant to section 4  
18 of this act upon adoption of authorizing resolutions by the local  
19 governing bodies of Edison Township, Metuchen Borough, and  
20 South Plainfield Borough in Middlesex County, respectively.

21 **【"Dismal Swamp"】** "Peter J. Barnes III Wildlife Preserve"  
22 means the area located within Edison Township, Metuchen  
23 Borough, and South Plainfield Borough in Middlesex County as  
24 delineated by a metes and bounds description approved by  
25 resolution adopted by the respective local governing bodies of those  
26 municipalities.

27 "Project" means any structure, land use change, or public  
28 improvement for which a permit from, or determination by, the  
29 municipality is required, which shall include, but not be limited to,  
30 building permits, zoning variances, and excavation permits.

31 (cf: P.L.2009, c.132, s.3)

32

33 4. Section 4 of P.L.2009, c.132 (C.40:55D-88.4) is amended to  
34 read as follows:

35 4. a. Upon adoption of an authorizing resolution by the local  
36 governing body of Edison Township, Metuchen Borough, and South  
37 Plainfield Borough, respectively, in Middlesex County, there is  
38 established the **【Dismal Swamp】** Peter J. Barnes III Wildlife  
39 Preservation Commission. The commission shall consist of nine  
40 members, appointed and qualified as follows, provided however,  
41 that no more than five members shall be of the same political party  
42 and no more than three members shall be appointed from any on  
43 municipality:

44 (1) Two residents of Edison Township, appointed by the  
45 governing body of the municipality;

46 (2) Two residents of Metuchen Borough, appointed by the  
47 governing body of the municipality;

- 1 (3) Two residents of South Plainfield Borough, appointed by the  
2 governing body of the municipality;
- 3 (4) Two elected officials from Middlesex County, appointed by  
4 agreement of the local governing bodies of Edison Township,  
5 Metuchen Borough, and South Plainfield Borough; and
- 6 (5) one representative of the Edison Wetlands Association,  
7 appointed by agreement of the local governing bodies of Edison  
8 Township, Metuchen Borough, and South Plainfield Borough;
- 9 b. Each member shall serve for a term of five years. Each  
10 member shall serve for the term of the appointment and until a  
11 successor shall have been appointed and qualified. Any vacancy  
12 shall be filled in the same manner as the original appointment for  
13 the unexpired term only.
- 14 c. Any member of the commission may be removed by  
15 adoption of a resolution by the local governing bodies of Edison  
16 Township, Metuchen Borough, and South Plainfield Borough for  
17 cause after a public hearing;
- 18 d. Each member of the commission shall take and subscribe to  
19 an oath to perform the duties of the office faithfully, impartially,  
20 and justly to the best of their ability.
- 21 e. The members of the commission shall serve without  
22 compensation, but the commission may reimburse its members for  
23 necessary expenses incurred in the discharge of their duties.
- 24 f. The commission shall select from its members a chairperson  
25 and vice-chairperson, and may employ an executive director, who  
26 may also serve as secretary, and a treasurer. The commission may  
27 also appoint, retain and employ, without regard to the provisions of  
28 Title 11A, Civil Service, of the New Jersey Statutes, such officers,  
29 agents, employees and experts as it may require, and it shall  
30 determine their qualifications, terms of office, duties, services and  
31 compensation. The local governing bodies may provide  
32 administrative support to the commission.
- 33 g. The powers of the commission shall be vested in the  
34 members thereof in office from time to time, and a majority of the  
35 total authorized membership of the commission shall constitute a  
36 quorum at any meeting thereof. Action may be taken and motions  
37 and resolutions adopted by the commission at any meeting thereof  
38 by the affirmative vote of a majority of the total authorized  
39 membership; provided, however, that the commission may  
40 designate one or more of its agents or employees to exercise such  
41 administrative functions, powers, and duties, as it may deem proper,  
42 under its supervision and control. No vacancy in the membership of  
43 the commission shall impair the right of a quorum to exercise all the  
44 rights and perform all the duties of the commission.
- 45 h. No member, officer, employee, or agent of the commission  
46 shall be financially interested, either directly or indirectly, in any  
47 project, any part of a project area, or an application for  
48 development, other than a residence, or in any contract, sale,

1 purchase, lease, or transfer of real or personal property located  
2 within the boundaries of the **【Dismal Swamp】** Peter J. Barnes III  
3 Wildlife Preserve.

4 (1) Any contract or agreement knowingly made in contravention  
5 of this subsection is voidable.

6 (2) Any person who willfully violates the provisions of this  
7 subsection shall forfeit office or employment.

8 (cf: P.L.2009, c.132, s.4)

9

10 5. Section 5 of P.L.2009, c.132 (C.40:55D-88.5) is amended to  
11 read as follows:

12 5. a. Upon establishment of the commission pursuant to  
13 section 4 of this act and appointment of its members,  
14 notwithstanding any provision of the "Municipal Land Use Law,"  
15 P.L.1975, c.291 (C.40:55D-1 et seq.), to the contrary, the  
16 commission shall review and approve, reject or modify all  
17 applications for development within the **【Dismal Swamp】** Peter J.  
18 Barnes III Wildlife Preserve pursuant to P.L.1975, c.291  
19 (C.40:55D-1 et seq.). The commission shall exercise any or all of  
20 the powers and duties of a municipal planning board and any or all  
21 or the powers and duties of a county planning board for the **【Dismal**  
22 **Swamp】** Peter J. Barnes III Wildlife Preserve.

23 No application for development shall be required to be reviewed  
24 and approved by both the commission and the planning board of a  
25 constituent municipality.

26 b. The commission shall review and approve, reject, or modify  
27 any State project planned within the **【Dismal Swamp】** Peter J.  
28 Barnes III Wildlife Preserve, and submit its decision to the  
29 Governor and the commissioner of the department proposing the  
30 project.

31 c. The review of an application for development shall not be  
32 contingent upon the adoption of the master plan pursuant to section  
33 6 of this act; however, upon adoption of the master plan, any  
34 application for development shall be reviewed to ensure that the  
35 actions proposed in the application also conform to the master plan.

36 Until the adoption of the master plan pursuant to section 6 of this  
37 act, the decisions of the commission shall be based upon the  
38 municipal master plans, ordinances, and resolutions of Edison  
39 Township, Metuchen Borough, and South Plainfield Borough,  
40 adopted pursuant to the provisions of the "Municipal Land Use  
41 Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

42 d. The commission shall coordinate and support activities by  
43 citizens' groups to promote and preserve the **【Dismal Swamp】** Peter  
44 J. Barnes III Wildlife Preserve, and shall actively seek funds for the  
45 purchase and preservation of lands within **【Dismal Swamp】** the  
46 Peter J. Barnes III Wildlife Preserve for recreation and conservation  
47 purposes.

1 e. In accordance with the provisions of section 4 of P.L.1975,  
2 c.291 (C.40:55D-8), the commission may establish and charge  
3 reasonable fees for the review of applications for development  
4 submitted to the commission and for other services the commission  
5 may provide. Fees collected pursuant to this subsection shall be  
6 deposited into a separate account, and shall be dedicated for use by  
7 the commission solely for the purposes of administering and  
8 enforcing its responsibilities pursuant to this act.

9 (cf: P.L.2009, c.132, s.5)

10  
11 6. Section 6 of P.L.2009, c.132 (C.40:55D-88.6) is amended to  
12 read as follows:

13 6. a. The commission shall prepare, or cause to be prepared,  
14 after holding one public hearing in each of the three municipalities  
15 within **【Dismal Swamp】** the Peter J. Barnes III Wildlife Preserve, a  
16 master plan for the physical, economic and social development of  
17 the **【Dismal Swamp】** Peter J. Barnes III Wildlife Preserve with  
18 elements similar to those provided for municipal master plans in  
19 section 19 of P.L.1975, c.291 (C.40:55D-28), as the commission  
20 determines to be appropriate for the preservation of the ecological  
21 and historical nature of the **【Dismal Swamp】** Peter J. Barnes III  
22 Wildlife Preserve.

23 The master plan shall include a report presenting the objectives,  
24 assumptions, standards and principles which are embodied in the  
25 various interlocking portions of the master plan. In preparing the  
26 master plan or any portion thereof or amendment thereto the  
27 commission shall give due consideration to: existing historical sites  
28 and potential restorations or compatible development; the range of  
29 uses and potential uses of the area in the developed communities  
30 through which it passes; designated areas to be kept as  
31 undeveloped, limited-access areas restricted to conservation or  
32 passive recreation; and any other issues the commission deems  
33 appropriate for the protection and enhancement of the area. In  
34 preparing the master plan or any portion thereof or amendment  
35 thereto, the commission shall consider existing patterns of  
36 development and any relevant master plan or other plan of  
37 development, and shall ensure widespread citizen involvement and  
38 participation in the planning process.

39 b. The commission shall act in support of local suggestions or  
40 desires to complement the master plan. Consultation, planning, and  
41 technical expertise shall be made available to local planning bodies  
42 that wish to implement land-use policies to enhance the area. The  
43 commission shall act on or refer complaints by citizens' groups or  
44 private residents who discover hazardous situations, pollution, or  
45 evidence of noncompliance with use regulations.

46 (cf: P.L.2009, c.132, s.6)



**CHAPTER 195**  
**(CORRECTED COPY)**

**AN ACT** renaming the Dismal Swamp and Dismal Swamp Preservation Commission and amending P.L.2009, c.132.

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

1. Section 1 of P.L.2009, c.132 (C.40:55D-88.1) is amended to read as follows:

C.40:55D-88.1 Short title.

1. This act shall be known and may be cited as the “Peter J. Barnes III Wildlife Preservation Act.”

2. Section 2 of P.L.2009, c.132 (C.40:55D-88.2) is amended to read as follows:

C.40:55D-88.2 Findings, declarations relative to the “Peter J. Barnes III Wildlife Preservation Commission.”

2. The Legislature finds and declares that:

- a. The Dismal Swamp Conservation Area in Middlesex County is approximately 660 acres of freshwater wetlands, forested uplands, and meadows in a densely populated, highly developed central part of the State, offering unique natural habitat including federal priority wetlands;

- b. The Dismal Swamp Conservation Area is a birding oasis in a densely developed region of the State where over 175 different bird species have been spotted, including the threatened and endangered grasshopper sparrow and yellow-crowned night-heron;

- c. In addition to over 175 bird species, 25 mammals and over a dozen reptile and amphibian species have been sighted in the Dismal Swamp Conservation Area;

- d. Archeological digs in the Dismal Swamp Conservation Area have uncovered at least five significant archeological sites, including one at least 10,000 years old;

- e. This area, spanning Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County, represents one of the last remaining wetland ecosystems in a highly urbanized environment in the State;

- f. The area consists of privately and publicly owned parcels of land within three municipalities, each with its own planning and zoning authority, and as a result, decisions concerning development within the area are made without a coherent plan; and

- g. It is therefore appropriate and in the best interests of the State to encourage the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough, respectively, in Middlesex County to establish a Peter J. Barnes III Wildlife Preservation Commission to provide comprehensive regulatory authority and regional planning for the area with a primary focus on protecting and preserving the ecological, historical, and recreational values of the area.

3. Section 3 of P.L.2009, c.132 (C.40:55D-88.3) is amended to read as follows:

C.40:55D-88.3 Definitions relevant to the “Peter J. Barnes III Wildlife Preservation Commission.”

3. As used in this act:

"Application for development" means the application form and all accompanying documents required by municipal ordinance for approval of a subdivision plat, site plan,

planned development, conditional use, zoning variance or other permit as provided in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

"Commission" means the Peter J. Barnes III Wildlife Preservation Commission established pursuant to section 4 of this act upon adoption of authorizing resolutions by the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County, respectively.

"Peter J. Barnes III Wildlife Preserve" means the area located within Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County as delineated by a metes and bounds description approved by resolution adopted by the respective local governing bodies of those municipalities.

"Project" means any structure, land use change, or public improvement for which a permit from, or determination by, the municipality is required, which shall include, but not be limited to, building permits, zoning variances, and excavation permits.

4. Section 4 of P.L.2009, c.132 (C.40:55D-88.4) is amended to read as follows:

C.40:55D-88.4 Authorizing resolution.

4. a. Upon adoption of an authorizing resolution by the local governing body of Edison Township, Metuchen Borough, and South Plainfield Borough, respectively, in Middlesex County, there is established the Peter J. Barnes III Wildlife Preservation Commission. The commission shall consist of nine members, appointed and qualified as follows, provided however, that no more than five members shall be of the same political party and no more than three members shall be appointed from any one municipality:

(1) Two residents of Edison Township, appointed by the governing body of the municipality;

(2) Two residents of Metuchen Borough, appointed by the governing body of the municipality;

(3) Two residents of South Plainfield Borough, appointed by the governing body of the municipality;

(4) Two elected officials from Middlesex County, appointed by agreement of the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough; and

(5) one representative of the Edison Wetlands Association, appointed by agreement of the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough;

b. Each member shall serve for a term of five years. Each member shall serve for the term of the appointment and until a successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

c. Any member of the commission may be removed by adoption of a resolution by the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough for cause after a public hearing.

d. Each member of the commission shall take and subscribe to an oath to perform the duties of the office faithfully, impartially, and justly to the best of their ability.

e. The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

f. The commission shall select from its members a chairperson and vice-chairperson, and may employ an executive director, who may also serve as secretary, and a treasurer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation. The local governing bodies may provide administrative support to the commission.

g. The powers of the commission shall be vested in the members thereof in office from time to time, and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the total authorized membership; provided, however, that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers, and duties, as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

h. No member, officer, employee, or agent of the commission shall be financially interested, either directly or indirectly, in any project, any part of a project area, or an application for development, other than a residence, or in any contract, sale, purchase, lease, or transfer of real or personal property located within the boundaries of the Peter J. Barnes III Wildlife Preserve.

(1) Any contract or agreement knowingly made in contravention of this subsection is voidable.

(2) Any person who willfully violates the provisions of this subsection shall forfeit office or employment.

5. Section 5 of P.L.2009, c.132 (C.40:55D-88.5) is amended to read as follows:

C.40:55D-88.5 Powers, duties of commission.

5. a. Upon establishment of the commission pursuant to section 4 of this act and appointment of its members, notwithstanding any provision of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), to the contrary, the commission shall review and approve, reject or modify all applications for development within the Peter J. Barnes III Wildlife Preserve pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.). The commission shall exercise any or all of the powers and duties of a municipal planning board and any or all of the powers and duties of a county planning board for the Peter J. Barnes III Wildlife Preserve.

No application for development shall be required to be reviewed and approved by both the commission and the planning board of a constituent municipality.

b. The commission shall review and approve, reject, or modify any State project planned within the Peter J. Barnes III Wildlife Preserve, and submit its decision to the Governor and the commissioner of the department proposing the project.

c. The review of an application for development shall not be contingent upon the adoption of the master plan pursuant to section 6 of this act; however, upon adoption of the master plan, any application for development shall be reviewed to ensure that the actions proposed in the application also conform to the master plan.

Until the adoption of the master plan pursuant to section 6 of this act, the decisions of the commission shall be based upon the municipal master plans, ordinances, and resolutions of Edison Township, Metuchen Borough, and South Plainfield Borough, adopted pursuant to the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

d. The commission shall coordinate and support activities by citizens' groups to promote and preserve the Peter J. Barnes III Wildlife Preserve, and shall actively seek funds for the purchase and preservation of lands within the Peter J. Barnes III Wildlife Preserve for recreation and conservation purposes.

e. In accordance with the provisions of section 4 of P.L.1975, c.291 (C.40:55D-8), the commission may establish and charge reasonable fees for the review of applications for development submitted to the commission and for other services the commission may provide. Fees collected pursuant to this subsection shall be deposited into a separate account, and shall be dedicated for use by the commission solely for the purposes of administering and enforcing its responsibilities pursuant to this act.

6. Section 6 of P.L.2009, c.132 (C.40:55D-88.6) is amended to read as follows:

C.40:55D-88.6 Master plan for the "Peter J. Barnes III Wildlife Preservation Commission."

6. a. The commission shall prepare, or cause to be prepared, after holding one public hearing in each of the three municipalities within the Peter J. Barnes III Wildlife Preserve, a master plan for the physical, economic and social development of the Peter J. Barnes III Wildlife Preserve with elements similar to those provided for municipal master plans in section 19 of P.L.1975, c.291 (C.40:55D-28), as the commission determines to be appropriate for the preservation of the ecological and historical nature of the Peter J. Barnes III Wildlife Preserve.

The master plan shall include a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan. In preparing the master plan or any portion thereof or amendment thereto the commission shall give due consideration to: existing historical sites and potential restorations or compatible development; the range of uses and potential uses of the area in the developed communities through which it passes; designated areas to be kept as undeveloped, limited-access areas restricted to conservation or passive recreation; and any other issues the commission deems appropriate for the protection and enhancement of the area. In preparing the master plan or any portion thereof or amendment thereto, the commission shall consider existing patterns of development and any relevant master plan or other plan of development, and shall ensure widespread citizen involvement and participation in the planning process.

b. The commission shall act in support of local suggestions or desires to complement the master plan. Consultation, planning, and technical expertise shall be made available to local planning bodies that wish to implement land-use policies to enhance the area. The commission shall act on or refer complaints by citizens' groups or private residents who discover hazardous situations, pollution, or evidence of noncompliance with use regulations.

7. Section 7 of P.L.2009, c.132 (C.40:55D-88.7) is amended to read as follows:

C.40:55D-88.7 No approval extended, tolled to the "Peter J. Barnes III Wildlife Preservation Commission."

7. Notwithstanding any provision of P.L.2008 c.78 (C.40:55D-136.1 et seq.) to the contrary, no approval, as defined therein, within the Peter J. Barnes III Wildlife Preserve shall be extended or tolled pursuant to the provisions of P.L.2008, c.78 (C.40:55D-136.1 et seq.).

8. This act shall take effect on the 90th day following enactment.

Approved August 10, 2021.

# ASSEMBLY, No. 5822

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 2, 2021

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

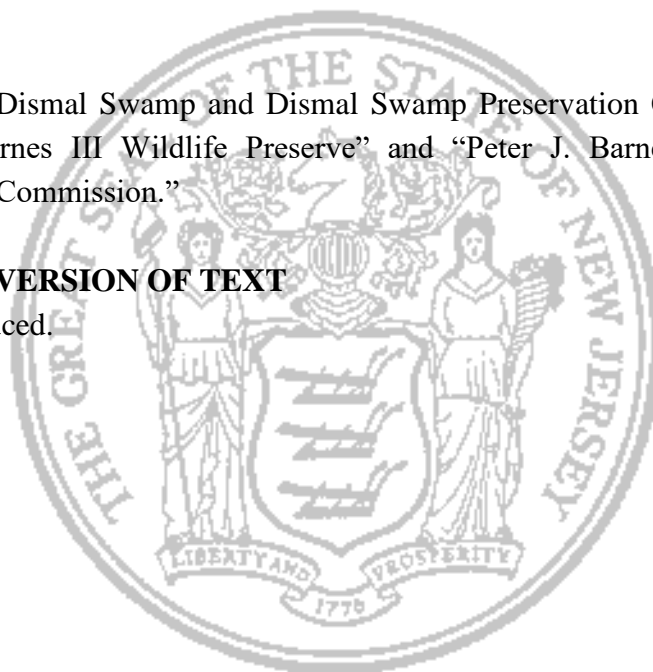
**Assemblymen Zwicker, Benson, Assemblywoman Jasey, Assemblyman Johnson, Assemblywoman Murphy, Senators Thompson, Greenstein and Gill**

**SYNOPSIS**

Renames Dismal Swamp and Dismal Swamp Preservation Commission as “Peter J. Barnes III Wildlife Preserve” and “Peter J. Barnes III Wildlife Preservation Commission.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2021)**

A5822 KARABINCHAK, STANLEY

2

1 AN ACT renaming the Dismal Swamp and Dismal Swamp  
2 Preservation Commission and amending P.L.2009, c.132.

3

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

6

7 1. Section 1 of P.L.2009, c.132 (C.40:55D-88.1) is amended to  
8 read as follows:

9 1. This act shall be known and may be cited as the **["Dismal**  
10 **Swamp]** "Peter J. Barnes III Wildlife Preservation Act."  
11 (cf: P.L.2009, c.132, s.1)

12

13 2. Section 2 of P.L.2009, c.132 (C.40:55D-88.2) is amended to  
14 read as follows:

15 2. The Legislature finds and declares that:

16 a. The Dismal Swamp Conservation Area in Middlesex County  
17 is approximately 660 acres of freshwater wetlands, forested  
18 uplands, and meadows in a densely populated, highly developed  
19 central part of the State, offering unique natural habitat including  
20 federal priority wetlands;

21 b. The Dismal Swamp Conservation Area is a birding oasis in a  
22 densely developed region of the State where over 175 different bird  
23 species have been spotted, including the threatened and endangered  
24 grasshopper sparrow and yellow-crowned night-heron;

25 c. In addition to over 175 bird species, 25 mammals and over a  
26 dozen reptile and amphibian species have been sighted in the  
27 Dismal Swamp Conservation Area;

28 d. Archeological digs in the Dismal Swamp Conservation Area  
29 have uncovered at least five significant archeological sites,  
30 including one at least 10,000 years old;

31 e. This area, spanning Edison Township, Metuchen Borough,  
32 and South Plainfield Borough in Middlesex County, represents one  
33 of the last remaining wetland ecosystems in a highly urbanized  
34 environment in the State;

35 f. The area consists of privately and publicly owned parcels of  
36 land within three municipalities, each with its own planning and  
37 zoning authority, and as a result, decisions concerning development  
38 within the area are made without a coherent plan; and

39 g. It is therefore appropriate and in the best interests of the  
40 State to encourage the local governing bodies of Edison Township,  
41 Metuchen Borough, and South Plainfield Borough, respectively, in  
42 Middlesex County to establish a **["Dismal Swamp]** Peter J. Barnes  
43 III Wildlife Preservation Commission to provide comprehensive  
44 regulatory authority and regional planning for the area with a

**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 primary focus on protecting and preserving the ecological,  
2 historical, and recreational values of the area.

3 (cf: P.L.2009, c.132, s.2)

4

5 3. Section 3 of P.L.2009, c.132 (C.40:55D-88.3) is amended to  
6 read as follows:

7 3. As used in this act:

8 "Application for development" means the application form and  
9 all accompanying documents required by municipal ordinance for  
10 approval of a subdivision plat, site plan, planned development,  
11 conditional use, zoning variance or other permit as provided in the  
12 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

13 "Commission" means the **【Dismal Swamp】** Peter J. Barnes III  
14 Wildlife Preservation Commission established pursuant to section 4  
15 of this act upon adoption of authorizing resolutions by the local  
16 governing bodies of Edison Township, Metuchen Borough, and  
17 South Plainfield Borough in Middlesex County, respectively.

18 **【"Dismal Swamp"】** "Peter J. Barnes III Wildlife Preserve"  
19 means the area located within Edison Township, Metuchen  
20 Borough, and South Plainfield Borough in Middlesex County as  
21 delineated by a metes and bounds description approved by  
22 resolution adopted by the respective local governing bodies of those  
23 municipalities.

24 "Project" means any structure, land use change, or public  
25 improvement for which a permit from, or determination by, the  
26 municipality is required, which shall include, but not be limited to,  
27 building permits, zoning variances, and excavation permits.

28 (cf: P.L.2009, c.132, s.3)

29

30 4. Section 4 of P.L.2009, c.132 (C.40:55D-88.4) is amended to  
31 read as follows:

32 4. a. Upon adoption of an authorizing resolution by the local  
33 governing body of Edison Township, Metuchen Borough, and South  
34 Plainfield Borough, respectively, in Middlesex County, there is  
35 established the **【Dismal Swamp】** Peter J. Barnes III Wildlife  
36 Preservation Commission. The commission shall consist of nine  
37 members, appointed and qualified as follows, provided however,  
38 that no more than five members shall be of the same political party  
39 and no more than three members shall be appointed from any on  
40 municipality:

41 (1) Two residents of Edison Township, appointed by the  
42 governing body of the municipality;

43 (2) Two residents of Metuchen Borough, appointed by the  
44 governing body of the municipality;

45 (3) Two residents of South Plainfield Borough, appointed by the  
46 governing body of the municipality;

47 (4) Two elected officials from Middlesex County, appointed by

1 agreement of the local governing bodies of Edison Township,  
2 Metuchen Borough, and South Plainfield Borough; and

3 (5) one representative of the Edison Wetlands Association,  
4 appointed by agreement of the local governing bodies of Edison  
5 Township, Metuchen Borough, and South Plainfield Borough;

6 b. Each member shall serve for a term of five years. Each  
7 member shall serve for the term of the appointment and until a  
8 successor shall have been appointed and qualified. Any vacancy  
9 shall be filled in the same manner as the original appointment for  
10 the unexpired term only.

11 c. Any member of the commission may be removed by  
12 adoption of a resolution by the local governing bodies of Edison  
13 Township, Metuchen Borough, and South Plainfield Borough for  
14 cause after a public hearing;

15 d. Each member of the commission shall take and subscribe to  
16 an oath to perform the duties of the office faithfully, impartially,  
17 and justly to the best of their ability.

18 e. The members of the commission shall serve without  
19 compensation, but the commission may reimburse its members for  
20 necessary expenses incurred in the discharge of their duties.

21 f. The commission shall select from its members a chairperson  
22 and vice-chairperson, and may employ an executive director, who  
23 may also serve as secretary, and a treasurer. The commission may  
24 also appoint, retain and employ, without regard to the provisions of  
25 Title 11A, Civil Service, of the New Jersey Statutes, such officers,  
26 agents, employees and experts as it may require, and it shall  
27 determine their qualifications, terms of office, duties, services and  
28 compensation. The local governing bodies may provide  
29 administrative support to the commission.

30 g. The powers of the commission shall be vested in the  
31 members thereof in office from time to time, and a majority of the  
32 total authorized membership of the commission shall constitute a  
33 quorum at any meeting thereof. Action may be taken and motions  
34 and resolutions adopted by the commission at any meeting thereof  
35 by the affirmative vote of a majority of the total authorized  
36 membership; provided, however, that the commission may  
37 designate one or more of its agents or employees to exercise such  
38 administrative functions, powers, and duties, as it may deem proper,  
39 under its supervision and control. No vacancy in the membership of  
40 the commission shall impair the right of a quorum to exercise all the  
41 rights and perform all the duties of the commission.

42 h. No member, officer, employee, or agent of the commission  
43 shall be financially interested, either directly or indirectly, in any  
44 project, any part of a project area, or an application for  
45 development, other than a residence, or in any contract, sale,  
46 purchase, lease, or transfer of real or personal property located  
47 within the boundaries of the **【Dismal Swamp】** Peter J. Barnes III  
48 Wildlife Preserve.

1 (1) Any contract or agreement knowingly made in contravention  
2 of this subsection is voidable.

3 (2) Any person who willfully violates the provisions of this  
4 subsection shall forfeit office or employment.

5 (cf: P.L.2009, c.132, s.4)

6

7 5. Section 5 of P.L.2009, c.132 (C.40:55D-88.5) is amended to  
8 read as follows:

9 5. a. Upon establishment of the commission pursuant to  
10 section 4 of this act and appointment of its members,  
11 notwithstanding any provision of the "Municipal Land Use Law,"  
12 P.L.1975, c.291 (C.40:55D-1 et seq.), to the contrary, the  
13 commission shall review and approve, reject or modify all  
14 applications for development within the **【Dismal Swamp】** Peter J.  
15 Barnes III Wildlife Preserve pursuant to P.L.1975, c.291  
16 (C.40:55D-1 et seq.). The commission shall exercise any or all of  
17 the powers and duties of a municipal planning board and any or all  
18 or the powers and duties of a county planning board for the **【Dismal**  
19 **Swamp】** Peter J. Barnes III Wildlife Preserve.

20 No application for development shall be required to be reviewed  
21 and approved by both the commission and the planning board of a  
22 constituent municipality.

23 b. The commission shall review and approve, reject, or modify  
24 any State project planned within the **【Dismal Swamp】** Peter J.  
25 Barnes III Wildlife Preserve, and submit its decision to the  
26 Governor and the commissioner of the department proposing the  
27 project.

28 c. The review of an application for development shall not be  
29 contingent upon the adoption of the master plan pursuant to section  
30 6 of this act; however, upon adoption of the master plan, any  
31 application for development shall be reviewed to ensure that the  
32 actions proposed in the application also conform to the master plan.

33 Until the adoption of the master plan pursuant to section 6 of this  
34 act, the decisions of the commission shall be based upon the  
35 municipal master plans, ordinances, and resolutions of Edison  
36 Township, Metuchen Borough, and South Plainfield Borough,  
37 adopted pursuant to the provisions of the "Municipal Land Use  
38 Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

39 d. The commission shall coordinate and support activities by  
40 citizens' groups to promote and preserve the **【Dismal Swamp】** Peter  
41 J. Barnes III Wildlife Preserve, and shall actively seek funds for the  
42 purchase and preservation of lands within **【Dismal Swamp】** the  
43 Peter J. Barnes III Wildlife Preserve for recreation and conservation  
44 purposes.

45 e. In accordance with the provisions of section 4 of P.L.1975,  
46 c.291 (C.40:55D-8), the commission may establish and charge  
47 reasonable fees for the review of applications for development

1 submitted to the commission and for other services the commission  
2 may provide. Fees collected pursuant to this subsection shall be  
3 deposited into a separate account, and shall be dedicated for use by  
4 the commission solely for the purposes of administering and  
5 enforcing its responsibilities pursuant to this act.

6 (cf: P.L.2009, c.132, s.5)

7  
8 6. Section 6 of P.L.2009, c.132 (C.40:55D-88.6) is amended to  
9 read as follows:

10 6. a. The commission shall prepare, or cause to be prepared,  
11 after holding one public hearing in each of the three municipalities  
12 within **【Dismal Swamp】** the Peter J. Barnes III Wildlife Preserve, a  
13 master plan for the physical, economic and social development of  
14 the **【Dismal Swamp】** Peter J. Barnes III Wildlife Preserve with  
15 elements similar to those provided for municipal master plans in  
16 section 19 of P.L.1975, c.291 (C.40:55D-28), as the commission  
17 determines to be appropriate for the preservation of the ecological  
18 and historical nature of the **【Dismal Swamp】** Peter J. Barnes III  
19 Wildlife Preserve.

20 The master plan shall include a report presenting the objectives,  
21 assumptions, standards and principles which are embodied in the  
22 various interlocking portions of the master plan. In preparing the  
23 master plan or any portion thereof or amendment thereto the  
24 commission shall give due consideration to: existing historical sites  
25 and potential restorations or compatible development; the range of  
26 uses and potential uses of the area in the developed communities  
27 through which it passes; designated areas to be kept as  
28 undeveloped, limited-access areas restricted to conservation or  
29 passive recreation; and any other issues the commission deems  
30 appropriate for the protection and enhancement of the area. In  
31 preparing the master plan or any portion thereof or amendment  
32 thereto, the commission shall consider existing patterns of  
33 development and any relevant master plan or other plan of  
34 development, and shall ensure widespread citizen involvement and  
35 participation in the planning process.

36 b. The commission shall act in support of local suggestions or  
37 desires to complement the master plan. Consultation, planning, and  
38 technical expertise shall be made available to local planning bodies  
39 that wish to implement land-use policies to enhance the area. The  
40 commission shall act on or refer complaints by citizens' groups or  
41 private residents who discover hazardous situations, pollution, or  
42 evidence of noncompliance with use regulations.

43 (cf: P.L.2009, c.132, s.6)

44  
45 7. Section 7 of P.L.2009, c.132 (C.40:55D-88.7) is amended to  
46 read as follows:

47 7. Notwithstanding any provision of P.L.2008 c.78 (C.40:55D-  
48 136.1 et seq.) to the contrary, no approval, as defined therein,

1 within the **【Dismal Swamp】** Peter J. Barnes III Wildlife Preserve  
2 shall be extended or tolled pursuant to the provisions of P.L.2008,  
3 c.78 (C.40:55D-136.1 et seq.).  
4 (cf: P.L.2009, c.132, s.7)

5  
6 8. This act shall take effect on the 90th day following  
7 enactment.

8  
9  
10 STATEMENT

11  
12 This bill renames the Dismal Swamp and the Dismal Swamp  
13 Preservation Commission as the Peter J. Barnes III Wildlife  
14 Preserve and Peter J. Barnes III Wildlife Preservation Commission,  
15 respectively.

16 Peter J. Barnes III served as a Member of the New Jersey  
17 General Assembly from 2007 until 2014 when he served as a  
18 Member of the State Senator. Peter J. Barnes III left the Senate in  
19 2016 after he was nominated and confirmed to serve as a Superior  
20 Court Judge, where he remained until he passed away on February  
21 22, 2021.

22 In 2008, then-Assemblyman Barnes sponsored the Dismal  
23 Swamp Preservation Act, P.L.2009, c.132 (C.40:55D-88.1 et seq.),  
24 which established the Dismal Swamp Preservation Commission, to  
25 provide comprehensive regulatory authority and regional planning  
26 for the area with a primary focus on protecting and preserving the  
27 ecological, historical, and recreational values of the area. Peter J.  
28 Barnes III was passionate about the preservation of the area, and  
29 fought hard to see that preservation realized, often going door to  
30 door to get the word out.

31 Dismal Swamp is the largest natural area remaining in Northern  
32 Middlesex County, and Peter J. Barnes III's support and work on  
33 this bill led to the conservation of approximately 660 acres of land.  
34 The area is home to over 175 species of birds, and two dozen  
35 species of mammals, amphibians, and reptiles, as well as a dozen  
36 threatened and endangered species. Renaming the Dismal Swamp  
37 as the Peter J. Barnes III Wildlife Preserve is a fitting tribute to his  
38 effort and dedication towards protecting the area.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5822**

**STATE OF NEW JERSEY**

DATED: JUNE 14, 2021

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 5822.

This bill renames the Dismal Swamp and the Dismal Swamp Preservation Commission as the Peter J. Barnes III Wildlife Preserve and Peter J. Barnes III Wildlife Preservation Commission, respectively.

# SENATE, No. 3919

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 10, 2021

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senators Thompson, Greenstein and Gill**

**SYNOPSIS**

Renames Dismal Swamp and Dismal Swamp Preservation Commission as “Peter J. Barnes III Wildlife Preserve” and “Peter J. Barnes III Wildlife Preservation Commission.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2021)**

1 AN ACT renaming the Dismal Swamp and Dismal Swamp  
2 Preservation Commission and amending P.L.2009, c.132.

3

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

6

7 1. Section 1 of P.L.2009, c.132 (C.40:55D-88.1) is amended to  
8 read as follows:

9 1. This act shall be known and may be cited as the **["Dismal**  
10 **Swamp]** "Peter J. Barnes III Wildlife Preservation Act."  
11 (cf: P.L.2009, c.132, s.1)

12

13 2. Section 2 of P.L.2009, c.132 (C.40:55D-88.2) is amended to  
14 read as follows:

15 2. The Legislature finds and declares that:

16 a. The Dismal Swamp Conservation Area in Middlesex County  
17 is approximately 660 acres of freshwater wetlands, forested  
18 uplands, and meadows in a densely populated, highly developed  
19 central part of the State, offering unique natural habitat including  
20 federal priority wetlands;

21 b. The Dismal Swamp Conservation Area is a birding oasis in a  
22 densely developed region of the State where over 175 different bird  
23 species have been spotted, including the threatened and endangered  
24 grasshopper sparrow and yellow-crowned night-heron;

25 c. In addition to over 175 bird species, 25 mammals and over a  
26 dozen reptile and amphibian species have been sighted in the  
27 Dismal Swamp Conservation Area;

28 d. Archeological digs in the Dismal Swamp Conservation Area  
29 have uncovered at least five significant archeological sites,  
30 including one at least 10,000 years old;

31 e. This area, spanning Edison Township, Metuchen Borough,  
32 and South Plainfield Borough in Middlesex County, represents one  
33 of the last remaining wetland ecosystems in a highly urbanized  
34 environment in the State;

35 f. The area consists of privately and publicly owned parcels of  
36 land within three municipalities, each with its own planning and  
37 zoning authority, and as a result, decisions concerning development  
38 within the area are made without a coherent plan; and

39 g. It is therefore appropriate and in the best interests of the  
40 State to encourage the local governing bodies of Edison Township,  
41 Metuchen Borough, and South Plainfield Borough, respectively, in  
42 Middlesex County to establish a **["Dismal Swamp]** Peter J. Barnes  
43 III Wildlife Preservation Commission to provide comprehensive  
44 regulatory authority and regional planning for the area with a

**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 primary focus on protecting and preserving the ecological,  
2 historical, and recreational values of the area.

3 (cf: P.L.2009, c.132, s.2)

4

5 3. Section 3 of P.L2009, c.132 (C.40:55D-88.3) is amended to  
6 read as follows:

7 3. As used in this act:

8 "Application for development" means the application form and  
9 all accompanying documents required by municipal ordinance for  
10 approval of a subdivision plat, site plan, planned development,  
11 conditional use, zoning variance or other permit as provided in the  
12 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

13 "Commission" means the **【Dismal Swamp】** Peter J. Barnes III  
14 Wildlife Preservation Commission established pursuant to section 4  
15 of this act upon adoption of authorizing resolutions by the local  
16 governing bodies of Edison Township, Metuchen Borough, and  
17 South Plainfield Borough in Middlesex County, respectively.

18 **【"Dismal Swamp"】** "Peter J. Barnes III Wildlife Preserve"  
19 means the area located within Edison Township, Metuchen  
20 Borough, and South Plainfield Borough in Middlesex County as  
21 delineated by a metes and bounds description approved by  
22 resolution adopted by the respective local governing bodies of those  
23 municipalities.

24 "Project" means any structure, land use change, or public  
25 improvement for which a permit from, or determination by, the  
26 municipality is required, which shall include, but not be limited to,  
27 building permits, zoning variances, and excavation permits.

28 (cf: P.L.2009, c.132, s.3)

29

30 4. Section 4 of P.L2009, c.132 (C.40:55D-88.4) is amended to  
31 read as follows:

32 4. a. Upon adoption of an authorizing resolution by the local  
33 governing body of Edison Township, Metuchen Borough, and South  
34 Plainfield Borough, respectively, in Middlesex County, there is  
35 established the **【Dismal Swamp】** Peter J. Barnes III Wildlife  
36 Preservation Commission. The commission shall consist of nine  
37 members, appointed and qualified as follows, provided however,  
38 that no more than five members shall be of the same political party  
39 and no more than three members shall be appointed from any on  
40 municipality:

41 (1) Two residents of Edison Township, appointed by the  
42 governing body of the municipality;

43 (2) Two residents of Metuchen Borough, appointed by the  
44 governing body of the municipality;

45 (3) Two residents of South Plainfield Borough, appointed by the  
46 governing body of the municipality;

- 1 (4) Two elected officials from Middlesex County, appointed by  
2 agreement of the local governing bodies of Edison Township,  
3 Metuchen Borough, and South Plainfield Borough; and
- 4 (5) One representative of the Edison Wetlands Association,  
5 appointed by agreement of the local governing bodies of Edison  
6 Township, Metuchen Borough, and South Plainfield Borough;
- 7 b. Each member shall serve for a term of five years. Each  
8 member shall serve for the term of the appointment and until a  
9 successor shall have been appointed and qualified. Any vacancy  
10 shall be filled in the same manner as the original appointment for  
11 the unexpired term only.
- 12 c. Any member of the commission may be removed by  
13 adoption of a resolution by the local governing bodies of Edison  
14 Township, Metuchen Borough, and South Plainfield Borough for  
15 cause after a public hearing;
- 16 d. Each member of the commission shall take and subscribe to  
17 an oath to perform the duties of the office faithfully, impartially,  
18 and justly to the best of their ability.
- 19 e. The members of the commission shall serve without  
20 compensation, but the commission may reimburse its members for  
21 necessary expenses incurred in the discharge of their duties.
- 22 f. The commission shall select from its members a chairperson  
23 and vice-chairperson, and may employ an executive director, who  
24 may also serve as secretary, and a treasurer. The commission may  
25 also appoint, retain and employ, without regard to the provisions of  
26 Title 11A, Civil Service, of the New Jersey Statutes, such officers,  
27 agents, employees and experts as it may require, and it shall  
28 determine their qualifications, terms of office, duties, services and  
29 compensation. The local governing bodies may provide  
30 administrative support to the commission.
- 31 g. The powers of the commission shall be vested in the  
32 members thereof in office from time to time, and a majority of the  
33 total authorized membership of the commission shall constitute a  
34 quorum at any meeting thereof. Action may be taken and motions  
35 and resolutions adopted by the commission at any meeting thereof  
36 by the affirmative vote of a majority of the total authorized  
37 membership; provided, however, that the commission may  
38 designate one or more of its agents or employees to exercise such  
39 administrative functions, powers, and duties, as it may deem proper,  
40 under its supervision and control. No vacancy in the membership of  
41 the commission shall impair the right of a quorum to exercise all the  
42 rights and perform all the duties of the commission.
- 43 h. No member, officer, employee, or agent of the commission  
44 shall be financially interested, either directly or indirectly, in any  
45 project, any part of a project area, or an application for  
46 development, other than a residence, or in any contract, sale,  
47 purchase, lease, or transfer of real or personal property located

1 within the boundaries of the **【Dismal Swamp】** Peter J. Barnes III  
2 Wildlife Preserve.

3 (1) Any contract or agreement knowingly made in contravention  
4 of this subsection is voidable.

5 (2) Any person who willfully violates the provisions of this  
6 subsection shall forfeit office or employment.

7 (cf: P.L.2009, c.132, s.4)

8

9 5. Section 5 of P.L2009, c.132 (C.40:55D-88.5) is amended to  
10 read as follows:

11 5. a. Upon establishment of the commission pursuant to  
12 section 4 of this act and appointment of its members,  
13 notwithstanding any provision of the "Municipal Land Use Law,"  
14 P.L.1975, c.291 (C.40:55D-1 et seq.), to the contrary, the  
15 commission shall review and approve, reject or modify all  
16 applications for development within the **【Dismal Swamp】** Peter J.  
17 Barnes III Wildlife Preserve pursuant to P.L.1975, c.291  
18 (C.40:55D-1 et seq.). The commission shall exercise any or all of  
19 the powers and duties of a municipal planning board and any or all  
20 or the powers and duties of a county planning board for the **【Dismal**  
21 **Swamp】** Peter J. Barnes III Wildlife Preserve.

22 No application for development shall be required to be reviewed  
23 and approved by both the commission and the planning board of a  
24 constituent municipality.

25 b. The commission shall review and approve, reject, or modify  
26 any State project planned within the **【Dismal Swamp】** Peter J.  
27 Barnes III Wildlife Preserve, and submit its decision to the  
28 Governor and the commissioner of the department proposing the  
29 project.

30 c. The review of an application for development shall not be  
31 contingent upon the adoption of the master plan pursuant to section  
32 6 of this act; however, upon adoption of the master plan, any  
33 application for development shall be reviewed to ensure that the  
34 actions proposed in the application also conform to the master plan.  
35 Until the adoption of the master plan pursuant to section 6 of this  
36 act, the decisions of the commission shall be based upon the  
37 municipal master plans, ordinances, and resolutions of Edison  
38 Township, Metuchen Borough, and South Plainfield Borough,  
39 adopted pursuant to the provisions of the "Municipal Land Use  
40 Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

41 d. The commission shall coordinate and support activities by  
42 citizens' groups to promote and preserve the **【Dismal Swamp】** Peter  
43 J. Barnes III Wildlife Preserve, and shall actively seek funds for the  
44 purchase and preservation of lands within **【Dismal Swamp】** the  
45 Peter J. Barnes III Wildlife Preserve for recreation and conservation  
46 purposes.

1 e. In accordance with the provisions of section 4 of P.L.1975,  
2 c.291 (C.40:55D-8), the commission may establish and charge  
3 reasonable fees for the review of applications for development  
4 submitted to the commission and for other services the commission  
5 may provide. Fees collected pursuant to this subsection shall be  
6 deposited into a separate account, and shall be dedicated for use by  
7 the commission solely for the purposes of administering and  
8 enforcing its responsibilities pursuant to this act.

9 (cf: P.L.2009, c.132, s.5)

10  
11 6. Section 6 of P.L2009, c.132 (C.40:55D-88.6) is amended to  
12 read as follows:

13 6. a. The commission shall prepare, or cause to be prepared,  
14 after holding one public hearing in each of the three municipalities  
15 within **【Dismal Swamp】** the Peter J. Barnes III Wildlife Preserve, a  
16 master plan for the physical, economic and social development of  
17 the **【Dismal Swamp】** Peter J. Barnes III Wildlife Preserve with  
18 elements similar to those provided for municipal master plans in  
19 section 19 of P.L.1975, c.291 (C.40:55D-28), as the commission  
20 determines to be appropriate for the preservation of the ecological  
21 and historical nature of the **【Dismal Swamp】** Peter J. Barnes III  
22 Wildlife Preserve.

23 The master plan shall include a report presenting the objectives,  
24 assumptions, standards and principles which are embodied in the  
25 various interlocking portions of the master plan. In preparing the  
26 master plan or any portion thereof or amendment thereto the  
27 commission shall give due consideration to: existing historical sites  
28 and potential restorations or compatible development; the range of  
29 uses and potential uses of the area in the developed communities  
30 through which it passes; designated areas to be kept as  
31 undeveloped, limited-access areas restricted to conservation or  
32 passive recreation; and any other issues the commission deems  
33 appropriate for the protection and enhancement of the area. In  
34 preparing the master plan or any portion thereof or amendment  
35 thereto, the commission shall consider existing patterns of  
36 development and any relevant master plan or other plan of  
37 development, and shall ensure widespread citizen involvement and  
38 participation in the planning process.

39 b. The commission shall act in support of local suggestions or  
40 desires to complement the master plan. Consultation, planning, and  
41 technical expertise shall be made available to local planning bodies  
42 that wish to implement land-use policies to enhance the area. The  
43 commission shall act on or refer complaints by citizens' groups or  
44 private residents who discover hazardous situations, pollution, or  
45 evidence of noncompliance with use regulations.

46 (cf: P.L.2009, c.132, s.6)



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3919

# STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3919.

This bill renames the Dismal Swamp and the Dismal Swamp Preservation Commission as the Peter J. Barnes III Wildlife Preserve and Peter J. Barnes III Wildlife Preservation Commission, respectively.

Peter J. Barnes III served as a Member of the New Jersey General Assembly from 2007 until 2014 when he served as a Member of the State Senator. Peter J. Barnes III left the Senate in 2016 after he was nominated and confirmed to serve as a Superior Court Judge, where he remained until he passed away on February 22, 2021.

In 2008, then-Assemblyman Barnes sponsored the Dismal Swamp Preservation Act, P.L.2009, c.132 (C.40:55D-88.1 et seq.), which established the Dismal Swamp Preservation Commission, to provide comprehensive regulatory authority and regional planning for the area with a primary focus on protecting and preserving the ecological, historical, and recreational values of the area. Peter J. Barnes III was passionate about the preservation of the area, and fought hard to see that preservation realized, often going door to door to get the word out.

Dismal Swamp is the largest natural area remaining in Northern Middlesex County, and Peter J. Barnes III's support and work on this bill led to the conservation of approximately 660 acres of land. The area is home to over 175 species of birds, and two dozen species of mammals, amphibians, and reptiles, as well as a dozen threatened and endangered species. Renaming the Dismal Swamp as the Peter J. Barnes III Wildlife Preserve is a fitting tribute to his effort and dedication towards protecting the area.

#### FISCAL IMPACT:

Fiscal information is currently unavailable for this bill.

# Governor Murphy Signs Legislation Honoring Late State Senator and Superior Court Judge Peter Barnes III

08/10/2021

**EDISON** – Governor Phil Murphy today signed legislation (A5822) renaming the Dismal Swamp and Dismal Swamp Preservation Commission as the “Peter J. Barnes III Wildlife Preserve” and the “Peter J. Barnes III Wildlife Preservation Committee”. The legislation is in honor of late State Senator and Superior Court Judge Peter Barnes III, who played an instrumental role in preserving the swamp, which includes 660 acres of freshwater wetlands, forested uplands, and meadows that is home to over 175 bird species and dozens of other animal species. The area, spanning Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County, represents one of the last remaining wetland ecosystems in a densely developed region of the state.

“Pete had a remarkable and dedicated career of public service spanning more than two decades,” **said Governor Murphy**. “Through his positions on the Edison Township Council and Housing Authority, to the State Assembly and Senate, and the New Jersey Superior Court, Pete worked to make the lives of others safer, healthier, and better. He saw beauty in everything and sought joy and purpose in everything he did. Pete was passionate about the preservation of these wetlands, as they are a place of wonder and beauty, a home to hundreds of species of animals, and a place where people come to reflect and find purpose. This is a wonderful way to honor Pete’s legacy and all of his contributions to New Jersey.”

“The Barnes Family is humbled and honored by the work of the State Legislature in renaming the Dismal Swamp the Peter J. Barnes III Wildlife Preserve,” **said the Barnes Family**. “Pete lived a remarkable life dedicated to his community, and one of his greatest accomplishments as a public servant was working to protect this natural treasure for future generations. We can think of no greater tribute in recognition of his public service. Thank you to all who made this possible at the local, county, and state levels.”

“I’m proud to join Governor Murphy today to officially rename Dismal Swamp the Peter J. Barnes III Wildlife Preserve,” **said U.S. Congressman Frank Pallone**. “There is no more fitting way to honor Peter’s memory. He was a fierce advocate for protecting and preserving this area for the wildlife that call it home and for New Jersey residents who come here to enjoy it. It’s a thriving habitat for endangered birds, mammals, reptiles, and amphibians. During the pandemic, outdoor spaces became even more important as New Jerseyans found renewed appreciation for recreation and our state’s beauty. Nature preserves like these are another critical tool in the fight against the climate crisis and its effect on our environment and wildlife. I’m honored to be a part of this moment to recognize the hard work Peter invested to conserve this natural habitat for years to come.”

Primary sponsors of the legislation include Assembly Speaker Craig Coughlin and Assemblymen Robert Karabinchak and Sterley Stanley, as well as Senate President Steve Sweeney and Senator Patrick Diegnan.

“For the duration of his career, Pete Barnes was successful in so many areas, with his work to preserve open space and protect the Dismal Swamp being among his crowning achievements,” **said Senator Patrick Diegnan**. “He lived an incredible life that was lost too soon and he will continue to be dearly missed by his family, friends, and members of the State Legislature. By renaming the Dismal Swamp after Pete, we can ensure his legacy carries on alongside his tireless efforts to protect the area for generations to come.”

"I can think of no better way to honor the life and legacy of Pete Barnes," **said Senate President Steve Sweeney**. "Because of his tireless advocacy, 660 acres of land are preserved, protecting an array of wildlife, including endangered species such as the Bald Eagle. Pete was an honorable public servant who was devoted to improving the quality of life for others. With this renaming, the Peter J. Barnes III Wildlife Preserve will be a timeless reminder of the incredible work that Pete left for us all."

"Peter fought hard to ensure that the 'Everglades of Central Jersey' were protected, and that the wildlife there was able to thrive," **said Assembly Speaker Craig J. Coughlin**. "He would often go door to door to spread awareness about the State park. Dedicating the conservation to Peter is a way to honor his advocacy and dedication toward safeguarding such a spectacular place in New Jersey."

"When Peter Barnes was in the Assembly, he was instrumental in preserving the Dismal Swamp," **said Assemblyman Robert Karabinchak**. "Renaming the largest natural area remaining in northern Middlesex is a merited tribute to his effort and dedication toward protecting the land."

"The support of then-Assemblyman Barnes and his legislation led to the conservation of approximately 660 acres of land," **said Assemblyman Sterley Stanley**. "He was very passionate about preserving this area and through his actions, Peter was able to protect hundreds of birds and dozens of endangered species. Naming the conservation area after Peter is a wonderful way to honor and recognize his dedication to Middlesex."

"The dedication of this vast ecological gem in memory of Peter J. Barnes, III is a fitting tribute to a New Jersey statesman and environmental steward," **said New Jersey Department of Environmental Protection Commissioner Shawn M. LaTourette**. "From today forward, those who visit this natural oasis in bustling Middlesex County will come to know or be reminded of a thoughtful public servant whose commitment to his community and love for the environment has benefited generations of New Jerseyans."