

SENATE, No. 1383

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 8, 2000

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblymen Gregg, Carroll, Bagger and Merkt

SYNOPSIS

Creates Lake Hopatcong Commission; appropriates \$3 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/21/2000)

1 AN ACT creating the Lake Hopatcong Commission, supplementing
2 Title 58 of the Revised Statutes, and making an appropriation.

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

6
7 1. This act shall be known, and may be cited, as the "Lake
8 Hopatcong Protection Act."

9
10 2. The Legislature finds that the preservation and enhancement of
11 the natural beauty of the State and the development of natural
12 resources for public recreation and conservation purposes promote the
13 public health and welfare; and that scenic Lake Hopatcong in Morris
14 and Sussex counties is a unique example of that natural beauty and is
15 therefore a natural resource worthy of special attention, consideration,
16 and protection by all levels of government.

17 The Legislature further finds that the area around Lake Hopatcong,
18 originally a seasonal community, has become a year-round residential
19 community; that these residences and other buildings are currently
20 served by individual septic systems, many of which have been failing
21 for some time, causing a significant impact upon the lake's water
22 quality; and that the installation of a sewer system for the residents
23 currently living around Lake Hopatcong is necessary to eliminate the
24 pollution caused by these septic systems.

25 The Legislature further finds that water quality in Lake Hopatcong
26 has been degraded over time by the introduction of nutrients and other
27 pollutants from significant sources other than septic systems, including
28 stormwater runoff and other nonpoint sources of pollution, which
29 reduce oxygen in the water, thereby causing weeds to grow
30 uncontrollably on the lake bottom; and that these weeds are a hazard
31 to recreational boaters and diminish fishing, swimming, and other
32 recreational activities on the lake.

33 The Legislature further finds that Lake Hopatcong is the largest
34 freshwater lake in the State; that it serves as an emergency source of
35 drinking water for the region and supports a range of recreational uses
36 that contribute significantly to the region's economy; and that
37 improving water quality in the lake is important to protect both
38 environmental and economic interests in the region.

39 The Legislature therefore determines that it is in the public interest
40 to create a commission composed of both local and State officials and
41 representatives to oversee and safeguard Lake Hopatcong as a natural,
42 scenic, and recreational resource to ensure that the lake may be
43 enjoyed to the fullest possible measure by citizens of, and visitors to,
44 the State both now and in the future.

45
46 3. a. There is created, in but not of the Department of

1 Environmental Protection, the Lake Hopatcong Commission, which
2 shall comprise 11 voting members, as follows: a representative of
3 Morris county appointed by the Board of Chosen Freeholders thereof;
4 a representative of Sussex county appointed by the Board of Chosen
5 Freeholders thereof; a representative of Hopatcong borough appointed
6 by the governing body thereof; a representative of Jefferson township
7 appointed by the governing body thereof; a representative of Mount
8 Arlington borough appointed by the governing body thereof; a
9 representative of Roxbury township appointed by the governing body
10 thereof; two members of the public appointed by the Governor with
11 the advice and consent of the Senate; a chairperson of the commission
12 appointed by the Governor with the advice and consent of the Senate;
13 the Commissioner of Community Affairs, or a designee thereof, who
14 shall serve ex officio; and the Commissioner of Environmental
15 Protection, or a designee thereof, who shall serve ex officio.

16 b. Each county and municipal appointing authority as prescribed
17 pursuant to subsection a. of this section may also respectively appoint
18 an alternate member for each regular member appointed by the county
19 or municipal appointing authority to act in the absence or disability of
20 the regular member, and while so acting an alternate member shall
21 have all the powers, including voting powers, of the regular member.

22 c. (1) The chairperson of the commission shall serve a term of
23 three years and until a successor shall have been appointed and
24 qualified. A chairperson may be reappointed to successive terms.

25 (2) Each member of the public appointed by the Governor shall
26 serve a term of two years and until a successor shall have been
27 appointed and qualified; except that of the two members of the public
28 first appointed, one shall serve a term of two years and the other a
29 term of one year. Members of the public appointed by the Governor
30 may be reappointed to successive terms.

31 (3) Each member or alternate member appointed by a county or a
32 municipality shall serve a term of two years and until a successor shall
33 have been appointed and qualified; except that each member and
34 alternate member first appointed by Sussex county, Mount Arlington
35 borough, and Roxbury township shall serve a term of one year, and
36 thereafter each member and alternate member appointed by that county
37 and those two municipalities shall serve a term of two years and until
38 a successor shall have been appointed and qualified. Members and
39 alternate members may be reappointed to successive terms.

40 d. Vacancies in the appointed positions on the commission shall
41 be filled in the same manner as the original appointments were made
42 but for the unexpired term only.

43 e. Members of the commission shall serve without compensation,
44 but the commission may, within the limits of funds appropriated or
45 otherwise made available to it, reimburse members for actual expenses
46 necessarily incurred in the discharge of their official duties.

1 f. Members of the commission shall serve at the pleasure of the
2 relevant appointing authority.

3

4 4. a. The Lake Hopatcong Commission shall organize as soon as
5 may be practicable after the appointment of its members, and shall
6 elect a secretary who need not be a member.

7 b. The commission shall meet regularly as it may determine, but
8 not less than on a quarterly basis. Meetings of the commission shall
9 be at such times and places as the commission deems appropriate and
10 shall be subject to the provisions and requirements of the "Open Public
11 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

12 The commission shall also meet at the call of the Governor or of the
13 chairperson.

14 c. A majority of the membership of the commission shall
15 constitute a quorum for the transaction of commission business.
16 Action may be taken and motions and resolutions adopted by the
17 commission at any meeting thereof by the affirmative vote of a
18 majority of the full membership of the commission, except that any
19 action to recommend or adopt an annual operating or capital budget
20 shall require an affirmative vote of at least two-thirds of the full
21 membership of the commission.

22 d. The commission shall be entitled to call to its assistance, and
23 avail itself of the services of, such employees of the State, the two
24 member counties, or the four member municipalities, or any political
25 subdivisions, instrumentalities, entities, agencies, or authorities
26 thereof, as it may require and as may be made available to it for the
27 purpose of carrying out its powers, duties, and responsibilities under
28 this act.

29 e. The commission may, within the limits of funds appropriated
30 or otherwise made available to it for those purposes, employ an
31 executive director and other professional, technical, maintenance, and
32 clerical staff, and incur such other miscellaneous expenses, as it may
33 deem necessary in order to carry out its powers, duties, and
34 responsibilities pursuant to this act.

35

36 5. The Lake Hopatcong Commission shall have power to:

37 a. sue and be sued;

38 b. adopt by-laws for the regulation of its affairs and the conduct
39 of its business;

40 c. make and execute contracts and all other instruments necessary
41 or convenient for the exercise of its powers, duties, and responsibilities
42 under this act;

43 d. establish, construct if necessary, and maintain such offices and
44 facilities as may be necessary for the transacting of its business; and,
45 if deemed appropriate by the commission, establish, or construct if
46 necessary, those offices and facilities on land at Lake Hopatcong State

- 1 Park or on State land at other appropriate locations around or nearby
2 the lake;
- 3 e. contract for professional and technical assistance; and
- 4 f. contract for and accept assistance, including but not limited to
5 gifts, grants, or loans of funds or of property from the federal
6 government or any agency or instrumentality thereof, from any agency
7 or instrumentality of the State or local government, or from any other
8 public or private source, and to comply, subject to the provisions of
9 this act, with the terms and conditions thereof.
- 10
- 11 6. The duties and responsibilities of the Lake Hopatcong
12 Commission shall be to:
- 13 a. conduct water quality and water quantity monitoring of Lake
14 Hopatcong to assess conditions and changes thereto over time, and
15 identify the causes and sources of environmental threats and impacts
16 to Lake Hopatcong and its watershed;
- 17 b. assess present and projected development, land use, and land
18 management practices and patterns, and determine the effects of those
19 practices and patterns upon the natural, scenic, and recreational
20 resources of Lake Hopatcong and its watershed;
- 21 c. develop plans, strategies, policies, ordinances, and funding
22 mechanisms necessary to protect, preserve, restore, maintain, manage,
23 and enhance Lake Hopatcong and its watershed, to be implemented by
24 those entities with representatives on the commission;
- 25 d. coordinate with, and make recommendations to, the
26 Department of Environmental Protection with respect to any State
27 plan or program for watershed management, water quality, water
28 supply, stormwater management, nonpoint source pollution, or
29 wastewater management for the area that includes Lake Hopatcong
30 and its watershed;
- 31 e. recommend appropriate State legislation and administrative
32 action pertaining to the protection, preservation, restoration,
33 maintenance, management, and enhancement of Lake Hopatcong and
34 its watershed;
- 35 f. encourage and assist in the creation of special local
36 improvement districts for purposes beneficial to Lake Hopatcong and
37 its watershed, including control of stormwater runoff and nonpoint
38 source pollution, and the preservation of significant environmental
39 areas, including wetlands, to control stormwater runoff and nonpoint
40 source pollution;
- 41 g. review and assess the potential impact upon Lake Hopatcong
42 and its watershed of environmental permit applications pending before
43 or received by the Department of Environmental Protection and
44 provided to the commission pursuant to subsection b. of section 8 of
45 this act, and provide recommendations to the Department of
46 Environmental Protection for appropriate action thereon;

1 h. review and assess the potential impact upon Lake Hopatcong
2 and its watershed of proposed amendments and revisions to municipal
3 master plans, zoning and other ordinances governing land use and
4 development, and applications for specific development projects,
5 which have been provided to the commission pursuant to section 9 of
6 this act, and provide recommendations to the appropriate municipal
7 agency for appropriate action thereon;

8 i. conduct, manage, and coordinate specific activities and projects
9 pertaining to the protection, preservation, restoration, maintenance,
10 management, and enhancement of Lake Hopatcong and its watershed,
11 including, but not limited to, weed control measures, dredging,
12 installation and maintenance of boat sewage pump outs, and
13 environmental education;

14 j. encourage individuals, corporations, associations, and
15 organizations to preserve and enhance the natural scenic beauty, and
16 protect and preserve the purity of the waters, of Lake Hopatcong and
17 its watershed, and to engage in environmental education of the public
18 for such purposes; and

19 k. establish advisory committees and enlist and accept the support
20 and cooperation of organizations of property owners and others
21 interested in promoting the purposes and objectives of this act.

22

23 7. The Lake Hopatcong Commission shall, in conjunction with
24 each Lake Hopatcong municipality, develop a stormwater and
25 nonpoint source pollution management plan for the region. The
26 stormwater management and nonpoint source pollution plan shall be
27 designed to reduce siltation and prevent pollution caused by
28 stormwater runoff or nonpoint sources that would otherwise degrade
29 the water quality of Lake Hopatcong and its tributaries, interfere with
30 water-based recreation, or adversely affect aquatic life. The goals and
31 purposes of the plan shall be to improve the quality of stormwater
32 runoff entering Lake Hopatcong, identify cost effective measures to
33 control stormwater runoff and nonpoint source pollution, and identify
34 funding mechanisms for implementation of such measures.

35

36 8. a. The Division of State Police in the Department of Law and
37 Public Safety, with respect to State boating laws, the Division of Fish
38 and Wildlife in the Department of Environmental Protection, with
39 respect to State fish and wildlife laws, and the Department of
40 Environmental Protection, with respect to environmental violations,
41 shall each prepare and submit a report, on at least an annual basis, to
42 the Lake Hopatcong Commission on the number and type of law
43 enforcement stops made, violations for which citations, notices, or
44 orders were issued, and crimes, offenses, and violations committed
45 during the prior year either on Lake Hopatcong or in the immediate
46 area of Lake Hopatcong as defined by the commission.

1 b. The Department of Environmental Protection shall provide to
2 the commission notice of any permit application pending before or
3 received by the department for an activity that may impact upon Lake
4 Hopatcong or its watershed, and request that the commission review
5 and evaluate the permit application to assess the potential impact of
6 the activity proposed therein upon Lake Hopatcong and its watershed
7 and provide the commission's recommendations for appropriate action
8 thereon.

9 c. The Division of Fish and Wildlife shall consult with the
10 commission prior to engaging in any fish stocking or fishery
11 management activities affecting Lake Hopatcong.

12
13 9. Each municipality represented on the commission shall provide
14 the commission notice of proposed amendments and revisions to
15 municipal master plans, zoning and other ordinances governing land
16 use and development, and applications for specific development
17 projects, and request that the commission review and evaluate the
18 proposed amendment, revision, or application to assess its potential
19 impact upon Lake Hopatcong and its watershed and provide the
20 commission's recommendations for appropriate action thereon.

21
22 10. The Lake Hopatcong Commission shall, within 18 months after
23 the date it organizes, prepare a progress report on its activities, and
24 submit it, together with any recommendations for legislation,
25 administrative action, or action by local governments, to the Governor,
26 the Legislature, and the Senate Environment Committee, the Assembly
27 Environment Committee, and the Assembly Agriculture and Natural
28 Resources Committee or their respective successors.

29
30 11. a. The Lake Hopatcong Regional Planning Board is abolished.

31 b. All files, papers, and records of the Lake Hopatcong Regional
32 Planning Board are transferred to the Lake Hopatcong Commission.

33 c. All State and federal appropriations, grants and other moneys
34 available and to become available to the Lake Hopatcong Regional
35 Planning Board are transferred to the Lake Hopatcong Commission,
36 and shall be available for the objects and purposes for which
37 appropriated, subject to any terms, restrictions, limitations or other
38 requirements imposed by State or federal law.

39
40 12. Notwithstanding any provision of law, rule, or regulation to the
41 contrary, any State or federal funds appropriated, allocated, or
42 designated by law, rule, regulation, or otherwise for the protection,
43 preservation, restoration, maintenance, management, or enhancement
44 of Lake Hopatcong shall be allocated to the Lake Hopatcong
45 Commission for expenditure in furtherance of the purposes and
46 objectives of this act. This section shall not apply to State or federal

1 funds appropriated, allocated, or designated for Lake Hopatcong State
2 Park.

3
4 13. There is appropriated from the General Fund to the Lake
5 Hopatcong Commission the sum of \$3,000,000 to pay for startup costs
6 and to carry out the purposes and objectives of this act in the first year
7 after the date of enactment of this act, and any unspent monies after
8 that first year shall be carried forward for use by the commission in
9 future years. Each year after the first year, the commission shall
10 submit its annual budget request for funds sufficient to carry out the
11 purposes and objectives of this act as part of the annual budget request
12 submitted by the Department of Environmental Protection to the
13 Division of Budget and Accounting in the Department of the Treasury,
14 which shall include it in the budget request submitted annually by the
15 Governor for appropriation by the Legislature.

16
17 14. This act shall take effect immediately, except that section 11 of
18 this act shall take effect on the 60th day after the date of enactment of
19 this act.

20
21
22 STATEMENT

23
24 This bill would create a 11-member commission, to be known as the
25 Lake Hopatcong Commission, the purpose of which would be to
26 provide the structure and the means to effectively facilitate the
27 cooperation of various levels of government in the Lake Hopatcong
28 area to help ensure that the natural, scenic, and recreational resources
29 of Lake Hopatcong and its watershed are protected from despoliation
30 due to environmental and other threats, so that the pristine beauty of
31 the area will be preserved and maintained for the enjoyment and
32 recreation of present and future generations.

33 The commission's membership would be as follows: a
34 representative of Morris county appointed by the Board of Chosen
35 Freeholders thereof; a representative of Sussex county appointed by
36 the Board of Chosen Freeholders thereof; a representative of
37 Hopatcong borough appointed by the governing body thereof; a
38 representative of Jefferson township appointed by the governing body
39 thereof; a representative of Mount Arlington borough appointed by the
40 governing body thereof; a representative of Roxbury township
41 appointed by the governing body thereof; two members of the public
42 appointed by the Governor with the advice and consent of the Senate;
43 a chairperson of the commission appointed by the Governor with the
44 advice and consent of the Senate; the Commissioner of Community
45 Affairs, or a designee thereof, who shall serve ex officio, and the
46 Commissioner of Environmental Protection, or a designee thereof,

1 who shall serve ex officio. The chairperson would serve a term of
2 three years and appointed members terms of two years (except for
3 some of those first appointed so as to ensure a staggering of the terms
4 of the members on the commission).

5 The duties and responsibilities of the commission would be to:

6 (1) conduct water quality and water quantity monitoring of Lake
7 Hopatcong to assess conditions and changes thereto over time, and
8 identify the causes and sources of environmental threats and impacts
9 to Lake Hopatcong and its watershed;

10 (2) assess present and projected development, land use, and land
11 management practices and patterns, and determine the effects of those
12 practices and patterns upon the natural, scenic, and recreational
13 resources of Lake Hopatcong and its watershed;

14 (3) develop plans, strategies, policies, ordinances, and funding
15 mechanisms necessary to protect, preserve, restore, maintain, manage,
16 and enhance Lake Hopatcong and its watershed, to be implemented by
17 those entities with representatives on the commission;

18 (4) coordinate with, and make recommendations to, the
19 Department of Environmental Protection (DEP) with respect to any
20 State plan or program for watershed management, water quality, water
21 supply, stormwater management, nonpoint source pollution, or
22 wastewater management for the area that includes Lake Hopatcong
23 and its watershed;

24 (5) recommend appropriate State legislation and administrative
25 action pertaining to the protection, preservation, restoration,
26 maintenance, management, and enhancement of Lake Hopatcong and
27 its watershed;

28 (6) encourage and assist in the creation of special local
29 improvement districts for purposes beneficial to Lake Hopatcong and
30 its watershed, including control of stormwater runoff and nonpoint
31 source pollution, and the preservation of significant environmental
32 areas, including wetlands, to control stormwater runoff and nonpoint
33 source pollution;

34 (7) review and assess the potential impact upon Lake Hopatcong
35 and its watershed of environmental permit applications pending before
36 or received by the DEP and provided to the commission pursuant to
37 the bill, and provide recommendations to the DEP for appropriate
38 action thereon;

39 (8) review and assess the potential impact upon Lake Hopatcong
40 and its watershed of proposed amendments and revisions to municipal
41 master plans, zoning and other ordinances governing land use and
42 development, and applications for specific development projects,
43 which have been provided to the commission pursuant to the bill, and
44 provide recommendations to the appropriate municipal agency for
45 appropriate action thereon;

46 (9) conduct, manage, and coordinate specific activities and projects

1 pertaining to the protection, preservation, restoration, maintenance,
2 management, and enhancement of Lake Hopatcong and its watershed,
3 including, but not limited to, weed control measures, dredging,
4 installation and maintenance of boat sewage pump outs, and
5 environmental education;

6 (10) encourage individuals, corporations, associations, and
7 organizations to preserve and enhance the natural scenic beauty, and
8 protect and preserve the purity of the waters, of Lake Hopatcong and
9 its watershed, and to engage in environmental education of the public
10 for such purposes; and

11 (11) establish advisory committees and enlist and accept the support
12 and cooperation of organizations of property owners and others
13 interested in promoting the purposes and objectives of the bill.

14 The commission, in conjunction with each Lake Hopatcong
15 municipality, would be responsible for developing a stormwater and
16 nonpoint source pollution management plan for the region. The
17 stormwater management and nonpoint source pollution plan would be
18 designed to reduce siltation and prevent pollution caused by
19 stormwater runoff or nonpoint sources that would otherwise degrade
20 the water quality of Lake Hopatcong and its tributaries, interfere with
21 water-based recreation, or adversely affect aquatic life. The goals and
22 purposes of the plan would be to improve the quality of stormwater
23 runoff entering Lake Hopatcong, identify cost effective measures to
24 control stormwater runoff and nonpoint source pollution, and identify
25 funding mechanisms for implementation of such measures.

26 The bill would require the State Police, with respect to State
27 boating laws, the Division of Fish and Wildlife in the DEP, with
28 respect to State fish and wildlife laws, and the DEP, with respect to
29 environmental violations, to each prepare and submit a report, on at
30 least an annual basis, to the Lake Hopatcong Commission on the
31 number and type of law enforcement stops made, violations for which
32 citations, notices, or orders were issued, and crimes, offenses, and
33 violations committed during the prior year either on Lake Hopatcong
34 or in the immediate area of Lake Hopatcong as defined by the
35 commission.

36 The bill would require the DEP to (1) provide to the commission
37 notice of any permit application pending before or received by the
38 department for an activity that may impact upon Lake Hopatcong or
39 its watershed, and (2) request that the commission review and evaluate
40 the permit application to assess the potential impact of the activity
41 proposed therein on Lake Hopatcong and its watershed, and provide
42 the commission's recommendations for appropriate action thereon.

43 The bill also would require the Division of Fish and Wildlife in the
44 DEP to consult with the commission prior to engaging in any fish
45 stocking or fishery management activities affecting Lake Hopatcong.

46 The bill would require that each municipality represented on the

1 commission provide the commission notice of proposed amendments
2 and revisions to municipal master plans, zoning and other ordinances
3 governing land use and development, and applications for specific
4 development projects, and request that the commission review and
5 evaluate the proposed amendment, revision, or application to assess
6 its potential impact upon Lake Hopatcong and its watershed and
7 provide the commission's recommendations for appropriate action
8 thereon.

9 Further, the bill would abolish the existing Lake Hopatcong
10 Regional Planning Board. It would also require the Lake Hopatcong
11 Commission to make a progress report within 18 months.

12 Finally, the bill would appropriate \$3 million to the Lake
13 Hopatcong Commission to pay for startup costs and to carry out the
14 purposes and objectives of the bill in the first year of its existence.
15 Thereafter, it is anticipated that the commission and projects
16 undertaken by the commission would be funded through the annual
17 appropriations act.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1383

STATE OF NEW JERSEY

DATED: JUNE 15, 2000

The Senate Environment Committee favorably reports Senate Bill No. 1383.

This bill would create a 11-member commission, to be known as the Lake Hopatcong Commission, the purpose of which would be to provide the structure and the means to effectively facilitate the cooperation of various levels of government in the Lake Hopatcong area to help ensure that the natural, scenic, and recreational resources of Lake Hopatcong and its watershed are protected from despoliation due to environmental and other threats, so that the pristine beauty of the area will be preserved and maintained for the enjoyment and recreation of present and future generations.

The commission's membership would be as follows: a representative of Morris county appointed by the Board of Chosen Freeholders thereof; a representative of Sussex county appointed by the Board of Chosen Freeholders thereof; a representative of Hopatcong borough appointed by the governing body thereof; a representative of Jefferson township appointed by the governing body thereof; a representative of Mount Arlington borough appointed by the governing body thereof; a representative of Roxbury township appointed by the governing body thereof; two members of the public appointed by the Governor with the advice and consent of the Senate; a chairperson of the commission appointed by the Governor with the advice and consent of the Senate; the Commissioner of Community Affairs, or a designee thereof, who shall serve ex officio, and the Commissioner of Environmental Protection, or a designee thereof, who shall serve ex officio. The chairperson would serve a term of three years and appointed members terms of two years (except for some of those first appointed so as to ensure a staggering of the terms of the members on the commission).

The duties and responsibilities of the commission would be to:

(1) conduct water quality and water quantity monitoring of Lake Hopatcong to assess conditions and changes thereto over time, and identify the causes and sources of environmental threats and impacts to Lake Hopatcong and its watershed;

(2) assess present and projected development, land use, and land management practices and patterns, and determine the effects of those practices and patterns upon the natural, scenic, and recreational

resources of Lake Hopatcong and its watershed;

(3) develop plans, strategies, policies, ordinances, and funding mechanisms necessary to protect, preserve, restore, maintain, manage, and enhance Lake Hopatcong and its watershed, to be implemented by those entities with representatives on the commission;

(4) coordinate with, and make recommendations to, the Department of Environmental Protection (DEP) with respect to any State plan or program for watershed management, water quality, water supply, stormwater management, nonpoint source pollution, or wastewater management for the area that includes Lake Hopatcong and its watershed;

(5) recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed;

(6) encourage and assist in the creation of special local improvement districts for purposes beneficial to Lake Hopatcong and its watershed, including control of stormwater runoff and nonpoint source pollution, and the preservation of significant environmental areas, including wetlands, to control stormwater runoff and nonpoint source pollution;

(7) review and assess the potential impact upon Lake Hopatcong and its watershed of environmental permit applications pending before or received by the DEP and provided to the commission pursuant to the bill, and provide recommendations to the DEP for appropriate action thereon;

(8) review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, which have been provided to the commission pursuant to the bill, and provide recommendations to the appropriate municipal agency for appropriate action thereon;

(9) conduct, manage, and coordinate specific activities and projects pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed, including, but not limited to, weed control measures, dredging, installation and maintenance of boat sewage pump outs, and environmental education;

(10) encourage individuals, corporations, associations, and organizations to preserve and enhance the natural scenic beauty, and protect and preserve the purity of the waters, of Lake Hopatcong and its watershed, and to engage in environmental education of the public for such purposes; and

(11) establish advisory committees and enlist and accept the support and cooperation of organizations of property owners and others interested in promoting the purposes and objectives of the bill.

The commission, in conjunction with each Lake Hopatcong municipality, would be responsible for developing a stormwater and

nonpoint source pollution management plan for the region. The stormwater management and nonpoint source pollution plan would be designed to reduce siltation and prevent pollution caused by stormwater runoff or nonpoint sources that would otherwise degrade the water quality of Lake Hopatcong and its tributaries, interfere with water-based recreation, or adversely affect aquatic life. The goals and purposes of the plan would be to improve the quality of stormwater runoff entering Lake Hopatcong, identify cost effective measures to control stormwater runoff and nonpoint source pollution, and identify funding mechanisms for implementation of such measures.

The bill would require the State Police, with respect to State boating laws, the Division of Fish and Wildlife in the DEP, with respect to State fish and wildlife laws, and the DEP, with respect to environmental violations, to each prepare and submit a report, on at least an annual basis, to the Lake Hopatcong Commission on the number and type of law enforcement stops made, violations for which citations, notices, or orders were issued, and crimes, offenses, and violations committed during the prior year either on Lake Hopatcong or in the immediate area of Lake Hopatcong as defined by the commission.

The bill would require the DEP to (1) provide to the commission notice of any permit application pending before or received by the department for an activity that may impact upon Lake Hopatcong or its watershed, and (2) request that the commission review and evaluate the permit application to assess the potential impact of the activity proposed therein on Lake Hopatcong and its watershed, and provide the commission's recommendations for appropriate action thereon.

The bill also would require the Division of Fish and Wildlife in the DEP to consult with the commission prior to engaging in any fish stocking or fishery management activities affecting Lake Hopatcong.

The bill would require that each municipality represented on the commission provide the commission notice of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, and request that the commission review and evaluate the proposed amendment, revision, or application to assess its potential impact upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

Further, the bill would abolish the existing Lake Hopatcong Regional Planning Board. It would also require the Lake Hopatcong Commission to make a progress report within 18 months.

Finally, the bill would appropriate \$3 million to the Lake Hopatcong Commission to pay for startup costs and to carry out the purposes and objectives of the bill in the first year of its existence. Thereafter, it is anticipated that the commission and projects undertaken by the commission would be funded through the annual appropriations act.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1383

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1383.

This bill would create, in but not of the Department of Environmental Protection (DEP), a 11-member commission, to be known as the Lake Hopatcong Commission. The purpose of the commission would be to create the structure and means of effectuating cooperation among various levels of government in the Lake Hopatcong area in the oversight and protection of Lake Hopatcong and its watershed as a natural, scenic, and recreational resource to ensure that the lake may be enjoyed to the fullest possible measure by citizens of and visitors to the State, both now and in the future.

Commission membership. The commission's membership would consist of: a representative of Morris County and a representative of Sussex County, appointed by the respective boards of chosen freeholders of those counties; one representative each of Hopatcong Borough, Jefferson Township, Mount Arlington Borough, and Roxbury Township, appointed by the respective governing bodies of those municipalities; a chairperson of the commission and two members of the public appointed by the Governor with the advice and consent of the Senate; and the commissioners of Community Affairs and Environmental Protection, or their respective designees, who shall serve *ex officio*. The chairperson would serve a term of three years; appointed members would serve terms of two years, except for some of the initial appointees, who would be named to shorter terms so as to ensure a staggering of terms among appointed commission members.

Duties of the commission. The bill provides that the duties and responsibilities of the commission would be to:

- (1) conduct water quality and water quantity monitoring of Lake Hopatcong to assess conditions and changes thereto over time, and identify the causes and sources of environmental threats and impacts to Lake Hopatcong and its watershed;
- (2) assess present and projected development, land use, and land management practices and patterns, and determine the effects of those practices and patterns upon the natural, scenic, and recreational resources of Lake Hopatcong and its watershed;
- (3) develop plans, strategies, policies, ordinances,

and funding mechanisms necessary to protect, preserve, restore, maintain, manage, and enhance Lake Hopatcong and its watershed, to be implemented by those entities with representatives on the commission;

(4) coordinate with, and make recommendations to, the . . . DEP with respect to any State plan or program for watershed management, water quality, water supply, stormwater management, nonpoint source pollution, or wastewater management for the area that includes Lake Hopatcong and its watershed;

(5) recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed;

(6) encourage and assist in the creation of special local improvement districts for purposes beneficial to Lake Hopatcong and its watershed, including control of stormwater runoff and nonpoint source pollution, and the preservation of significant environmental areas, including wetlands, to control stormwater runoff and nonpoint source pollution;

(7) review and assess the potential impact upon Lake Hopatcong and its watershed of environmental permit applications pending before or received by the DEP and provided to the commission pursuant to the bill, and provide recommendations to the DEP for appropriate action thereon;

(8) review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, which have been provided to the commission pursuant to the bill, and provide recommendations to the appropriate municipal agency for appropriate action thereon;

(9) conduct, manage, and coordinate specific activities and projects pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed, including, but not limited to, weed control measures, dredging, installation and maintenance of boat sewage pump outs, and environmental education;

(10) encourage individuals, corporations, associations, and organizations to preserve and enhance the natural scenic beauty, and protect and preserve the purity of the waters, of Lake Hopatcong and its watershed, and to engage in environmental education of the public for such purposes; and

(11) establish advisory committees and enlist and accept the support and cooperation of organizations of property owners and others interested in promoting the purposes and objectives of the bill.

The commission, in conjunction with each Lake Hopatcong municipality, would be responsible for developing a stormwater and nonpoint source pollution management plan for the region. The stormwater management and nonpoint source pollution plan would be designed to reduce siltation and prevent pollution caused by stormwater runoff or nonpoint sources that would otherwise degrade the water quality of Lake Hopatcong and its tributaries, interfere with water-based recreation, or adversely affect aquatic life. The goals and

purposes of the plan would be to improve the quality of stormwater runoff entering Lake Hopatcong, identify cost effective measures to control stormwater runoff and nonpoint source pollution, and identify funding mechanisms for implementation of such measures.

Duties of other agencies. The bill would require the State Police (with respect to State boating laws), the Division of Fish and Wildlife in the DEP (with respect to State fish and wildlife laws), and the DEP (with respect to environmental violations) to each prepare and submit to the commission, at least annually, a report on the number and type of law enforcement stops made, violations for which citations, notices, or orders were issued, and crimes, offenses, and violations committed during the prior year either on Lake Hopatcong or in the immediate area of Lake Hopatcong as defined by the commission.

The bill also would require the Division of Fish and Wildlife to consult with the commission prior to engaging in any fish stocking or fishery management activities affecting Lake Hopatcong.

Commission review of permit applications. The bill would require the DEP to (1) notify the commission of any permit application pending before or received by the department for an activity that may impact upon Lake Hopatcong or its watershed, and (2) request the commission to review and evaluate the permit application to assess the potential impact of the activity on Lake Hopatcong and its watershed, and to provide its recommendations for appropriate action.

Commission review of land use proposals. The bill would require that each municipality represented on the commission provide the commission notice of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, and request that the commission review and evaluate the proposed amendment, revision, or application to assess its potential impact upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

Other provisions. Finally, the bill would abolish the existing Lake Hopatcong Regional Planning Board. It would also require the Lake Hopatcong Commission to make a progress report within 18 months of the enactment of the legislation.

FISCAL IMPACT

The bill appropriates from the General Fund to the Lake Hopatcong Commission the sum of \$3 million to pay for startup costs and to carry out the purposes and objectives of the bill in the first year of its existence. Thereafter, it is anticipated that the commission and projects undertaken by the commission would be funded through the annual appropriations act.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1383

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2000

The Assembly Environment Committee reports favorably Senate Bill No. 1383.

This bill would create a 11-member commission, to be known as the Lake Hopatcong Commission, the purpose of which would be to provide the structure and the means to effectively facilitate the cooperation of various levels of government in the Lake Hopatcong area to help ensure that the natural, scenic, and recreational resources of Lake Hopatcong and its watershed are protected from despoliation due to environmental and other threats, so that the pristine beauty of the area will be preserved and maintained for the enjoyment and recreation of present and future generations.

The commission's membership would be as follows: a representative of Morris county appointed by the Board of Chosen Freeholders thereof; a representative of Sussex county appointed by the Board of Chosen Freeholders thereof; a representative of Hopatcong borough appointed by the governing body thereof; a representative of Jefferson township appointed by the governing body thereof; a representative of Mount Arlington borough appointed by the governing body thereof; a representative of Roxbury township appointed by the governing body thereof; two members of the public appointed by the Governor with the advice and consent of the Senate; a chairperson of the commission appointed by the Governor with the advice and consent of the Senate; the Commissioner of Community Affairs, or a designee thereof, who shall serve ex officio, and the Commissioner of Environmental Protection, or a designee thereof, who shall serve ex officio. The chairperson would serve a term of three years and appointed members terms of two years (except for some of those first appointed so as to ensure a staggering of the terms of the members on the commission).

The duties and responsibilities of the commission would be to:

(1) conduct water quality and water quantity monitoring of Lake Hopatcong to assess conditions and changes thereto over time, and identify the causes and sources of environmental threats and impacts to Lake Hopatcong and its watershed;

(2) assess present and projected development, land use, and land management practices and patterns, and determine the effects of those

practices and patterns upon the natural, scenic, and recreational resources of Lake Hopatcong and its watershed;

(3) develop plans, strategies, policies, ordinances, and funding mechanisms necessary to protect, preserve, restore, maintain, manage, and enhance Lake Hopatcong and its watershed, to be implemented by those entities with representatives on the commission;

(4) coordinate with, and make recommendations to, the Department of Environmental Protection (DEP) with respect to any State plan or program for watershed management, water quality, water supply, stormwater management, nonpoint source pollution, or wastewater management for the area that includes Lake Hopatcong and its watershed;

(5) recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed;

(6) encourage and assist in the creation of special local improvement districts for purposes beneficial to Lake Hopatcong and its watershed, including control of stormwater runoff and nonpoint source pollution, and the preservation of significant environmental areas, including wetlands, to control stormwater runoff and nonpoint source pollution;

(7) review and assess the potential impact upon Lake Hopatcong and its watershed of environmental permit applications pending before or received by the DEP and provided to the commission pursuant to the bill, and provide recommendations to the DEP for appropriate action thereon;

(8) review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, which have been provided to the commission pursuant to the bill, and provide recommendations to the appropriate municipal agency for appropriate action thereon;

(9) conduct, manage, and coordinate specific activities and projects pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed, including, but not limited to, weed control measures, dredging, installation and maintenance of boat sewage pump outs, and environmental education;

(10) encourage individuals, corporations, associations, and organizations to preserve and enhance the natural scenic beauty, and protect and preserve the purity of the waters, of Lake Hopatcong and its watershed, and to engage in environmental education of the public for such purposes; and

(11) establish advisory committees and enlist and accept the support and cooperation of organizations of property owners and

others interested in promoting the purposes and objectives of the bill.

The commission, in conjunction with each Lake Hopatcong municipality, would be responsible for developing a stormwater and nonpoint source pollution management plan for the region. The stormwater management and nonpoint source pollution plan would be designed to reduce siltation and prevent pollution caused by stormwater runoff or nonpoint sources that would otherwise degrade the water quality of Lake Hopatcong and its tributaries, interfere with water-based recreation, or adversely affect aquatic life. The goals and purposes of the plan would be to improve the quality of stormwater runoff entering Lake Hopatcong, identify cost effective measures to control stormwater runoff and nonpoint source pollution, and identify funding mechanisms for implementation of such measures.

The bill would require the State Police, with respect to State boating laws, the Division of Fish and Wildlife in the DEP, with respect to State fish and wildlife laws, and the DEP, with respect to environmental violations, to each prepare and submit a report, on at least an annual basis, to the Lake Hopatcong Commission on the number and type of law enforcement stops made, violations for which citations, notices, or orders were issued, and crimes, offenses, and violations committed during the prior year either on Lake Hopatcong or in the immediate area of Lake Hopatcong as defined by the commission.

The bill would require the DEP to (1) provide to the commission notice of any permit application pending before or received by the department for an activity that may impact upon Lake Hopatcong or its watershed, and (2) request that the commission review and evaluate the permit application to assess the potential impact of the activity proposed therein on Lake Hopatcong and its watershed, and provide the commission's recommendations for appropriate action thereon.

The bill also would require the Division of Fish and Wildlife in the DEP to consult with the commission prior to engaging in any fish stocking or fishery management activities affecting Lake Hopatcong.

The bill would require that each municipality represented on the commission provide the commission notice of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, and request that the commission review and evaluate the proposed amendment, revision, or application to assess its potential impact upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

Further, the bill would abolish the existing Lake Hopatcong Regional Planning Board. It would also require the Lake Hopatcong Commission to make a progress report within 18 months.

Finally, the bill would appropriate \$3 million to the Lake Hopatcong Commission to pay for startup costs and to carry out the

purposes and objectives of the bill in the first year of its existence. Thereafter, it is anticipated that the commission and projects undertaken by the commission would be funded through the annual appropriations act.

As reported by the committee, this bill is identical to Assembly Bill No. 2604 of 2000 as also reported by the committee.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1383

STATE OF NEW JERSEY

DATED: OCTOBER 12, 2000

The Assembly Appropriations Committee reports favorably Senate Bill No. 1383.

Senate Bill No. 1383 creates, in but not of the Department of Environmental Protection (DEP), an 11-member commission, to be known as the Lake Hopatcong Commission. The purpose of the commission is to create the structure and means of effectuating cooperation among various levels of government in the Lake Hopatcong area in the oversight and protection of Lake Hopatcong and its watershed as a natural, scenic, and recreational resource to ensure that the lake may be enjoyed to the fullest possible measure by citizens of and visitors to the State, both now and in the future.

Commission membership. The commission's membership would consist of: a representative of Morris County and a representative of Sussex County, appointed by the respective boards of chosen freeholders of those counties; one representative each of Hopatcong Borough, Jefferson Township, Mount Arlington Borough, and Roxbury Township, appointed by the respective governing bodies of those municipalities; a chairperson of the commission and two members of the public appointed by the Governor with the advice and consent of the Senate; and the commissioners of Community Affairs and Environmental Protection, or their respective designees, who shall serve *ex officio*. The chairperson would serve a term of three years; appointed members would serve terms of two years, except for some of the initial appointees, who would be named to shorter terms so as to ensure a staggering of terms among appointed commission members.

Duties of the commission. The duties of the commission would be to:

- (1) conduct water quality and water quantity monitoring of Lake Hopatcong to assess conditions and changes over time, and identify the causes and sources of environmental threats and impacts to Lake Hopatcong and its watershed;

- (2) assess present and projected development, land use, and land management practices and patterns, and determine the effects of those practices and patterns upon the natural, scenic, and recreational resources of Lake Hopatcong and its watershed;

(3) develop plans, strategies, policies, ordinances, and funding mechanisms necessary to protect, preserve, restore, maintain, manage, and enhance Lake Hopatcong and its watershed, to be implemented by those entities with representatives on the commission;

(4) coordinate with, and make recommendations to, the . . . DEP with respect to any State plan or program for watershed management, water quality, water supply, stormwater management, nonpoint source pollution, or wastewater management for the area that includes Lake Hopatcong and its watershed;

(5) recommend State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed;

(6) encourage and assist in the creation of special local improvement districts for purposes beneficial to Lake Hopatcong and its watershed, including control of stormwater runoff and nonpoint source pollution, and the preservation of significant environmental areas, including wetlands, to control stormwater runoff and nonpoint source pollution;

(7) review and assess the potential impact upon Lake Hopatcong and its watershed of environmental permit applications pending before or received by the DEP and provided to the commission and provide recommendations to the DEP for appropriate action thereon;

(8) review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, which have been provided to the commission pursuant to the bill, and provide recommendations to the appropriate municipal agency for appropriate action thereon;

(9) conduct, manage, and coordinate specific activities and projects pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed, including, but not limited to, weed control measures, dredging, installation and maintenance of boat sewage pump outs, and environmental education;

(10) encourage individuals, corporations, associations, and organizations to preserve and enhance the natural scenic beauty, and protect and preserve the purity of the waters, of Lake Hopatcong and its watershed, and to engage in environmental education of the public for such purposes; and

(11) establish advisory committees and enlist and accept the support and cooperation of organizations of property owners and others interested in promoting the purposes and objectives of the bill.

The commission, in conjunction with each Lake Hopatcong municipality, would be responsible for developing a stormwater and nonpoint source pollution management plan for the region. The stormwater management and nonpoint source pollution plan would be designed to reduce siltation and prevent pollution caused by stormwater runoff or nonpoint sources that would otherwise degrade

the water quality of Lake Hopatcong and its tributaries, interfere with water-based recreation, or adversely affect aquatic life. The goals and purposes of the plan would be to improve the quality of stormwater runoff entering Lake Hopatcong, identify cost effective measures to control stormwater runoff and nonpoint source pollution, and identify funding mechanisms for implementation of such measures.

Duties of other agencies. The bill requires the State Police (with respect to State boating laws), the Division of Fish and Wildlife in the DEP (with respect to State fish and wildlife laws), and the DEP (with respect to environmental violations) to each prepare and submit to the commission, at least annually, a report on the number and type of law enforcement stops made, violations for which citations, notices, or orders were issued, and crimes, offenses, and violations committed during the prior year either on Lake Hopatcong or in the immediate area of Lake Hopatcong as defined by the commission.

The bill also requires the Division of Fish and Wildlife to consult with the commission prior to engaging in any fish stocking or fishery management activities affecting Lake Hopatcong.

Commission review of permit applications. The bill requires the DEP to (1) notify the commission of any permit application pending before or received by the department for an activity that may impact upon Lake Hopatcong or its watershed, and (2) request the commission to review and evaluate the permit application to assess the potential impact of the activity on Lake Hopatcong and its watershed, and to provide its recommendations for appropriate action.

Commission review of land use proposals. The bill requires that each municipality represented on the commission provide the commission notice of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, and request that the commission review and evaluate the proposed amendment, revision, or application to assess its potential impact upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

Other provisions. Finally, the bill abolishes the existing Lake Hopatcong Regional Planning Board. It also requires the Lake Hopatcong Commission to make a progress report within 18 months of the enactment of the legislation.

As reported this bill is identical to Assembly Bill No. 2604, also as reported by the committee.

FISCAL IMPACT

The bill appropriates from the General Fund to the Lake Hopatcong Commission the sum of \$3 million to pay for startup costs and to carry out the purposes and objectives of the bill in the first year of its existence. Thereafter, it is anticipated that the commission and projects undertaken by the commission would be funded through the annual appropriations act.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1383
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: OCTOBER 24, 2000

SUMMARY

Synopsis: Creates Lake Hopatcong Commission; appropriates \$3 million.
Type of Impact: Expenditure from the General Fund.
Agencies Affected: Departments of Environmental Protection (DEP) and Community
Affair (DCA); counties of Morris and Sussex; municipal governments
of Hopatcong Borough, Jefferson Township, Mount Arlington
Borough and Roxbury Township.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$3,000,000	Indeterminate	Indeterminate

- ! The Lake Hopatcong Commission would be an independent agency located "in, but not of" the Department of Environmental Protection.
- ! The commission would be composed of 11 members representing two counties, four municipalities, two public members appointed by the Governor, the DEP and DCA commissioners and chairperson also appointed by the Governor. It would also maintain a full-time staff and office facilities as needed.
- ! The commission would study, review and assess various functions directed by the bill to protect and enhance Lake Hopatcong and its watershed area.
- ! The bill appropriates \$3.0 million for the commission's first year startup costs.

BILL DESCRIPTION

Senate Bill No. 1383 of 2000 creates the Lake Hopatcong Commission "in, but not of" the Department of Environmental Protection for the purpose of facilitating the cooperation of various levels of government in the Lake Hopatcong area to help ensure that this lake and its watershed are protected from despoliation due to environmental and other threats. The commission's membership would include representatives from Morris and Sussex counties; the Lake Hopatcong communities of Hopatcong, Jefferson, Mount Arlington, and Roxbury; two

members of the public appointed by the Governor; a chairperson appointed by the Governor; and the Commissioners of Community Affairs and Environmental Protection.

The major duties and responsibilities of the commission would be to conduct water quality monitoring of Lake Hopatcong; assess present and projected development and land management practices; develop plans and funding mechanisms necessary to protect and enhance Lake Hopatcong and its watershed; coordinate with, and make recommendations to, the DEP with respect to any State plan or program for watershed management for the area that includes Lake Hopatcong and its watershed; and review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments to municipal master plans, zoning and other ordinances governing land use and development.

Further, the bill abolishes the existing Lake Hopatcong Regional Planning Board, with all its duties and obligations transferred to the commission. Last, the bill appropriates \$3 million to the commission for startup costs during its first year of its existence. Thereafter, the bill anticipates that the commission would be State-funded through the annual Appropriations Act.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that the \$3.0 million appropriated in the bill should provide adequate startup funding for the commission during its first year of operation. The amounts initially allocated from this sum for consultant contracts to carry out the purposes of the bill will also determine the commission's operating budget level in its initial year and will serve as a base amount in succeeding years. At this point, however, the commission's budget cannot be estimated until its annual goals or activity plans are formulated. It should be noted that the commission's budget request will be subject to legislative and executive branch approval and could therefore be altered accordingly.

It is also possible the commission's annual budget could be augmented by contributions from federal or private funding sources, as well as the participating local governments represented on the commission.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

Title 58.
Chapter 4B. (New)
Lake Hopatcong
§§1-13 -
C.58:4B-1 to
58:4B-13
§13 - Approp.
§14 - Note

P.L. 2000, CHAPTER 175, *approved January 8, 2001*
Senate, No. 1383

1 **AN ACT** creating the Lake Hopatcong Commission, supplementing
2 Title 58 of the Revised Statutes, and making an appropriation.

3

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

6

7 1. This act shall be known, and may be cited, as the "Lake
8 Hopatcong Protection Act."

9

10 2. The Legislature finds that the preservation and enhancement of
11 the natural beauty of the State and the development of natural
12 resources for public recreation and conservation purposes promote the
13 public health and welfare; and that scenic Lake Hopatcong in Morris
14 and Sussex counties is a unique example of that natural beauty and is
15 therefore a natural resource worthy of special attention, consideration,
16 and protection by all levels of government.

17 The Legislature further finds that the area around Lake Hopatcong,
18 originally a seasonal community, has become a year-round residential
19 community; that these residences and other buildings are currently
20 served by individual septic systems, many of which have been failing
21 for some time, causing a significant impact upon the lake's water
22 quality; and that the installation of a sewer system for the residents
23 currently living around Lake Hopatcong is necessary to eliminate the
24 pollution caused by these septic systems.

25 The Legislature further finds that water quality in Lake Hopatcong
26 has been degraded over time by the introduction of nutrients and other
27 pollutants from significant sources other than septic systems, including
28 stormwater runoff and other nonpoint sources of pollution, which
29 reduce oxygen in the water, thereby causing weeds to grow
30 uncontrollably on the lake bottom; and that these weeds are a hazard
31 to recreational boaters and diminish fishing, swimming, and other
32 recreational activities on the lake.

33 The Legislature further finds that Lake Hopatcong is the largest
34 freshwater lake in the State; that it serves as an emergency source of
35 drinking water for the region and supports a range of recreational uses
36 that contribute significantly to the region's economy; and that
37 improving water quality in the lake is important to protect both
38 environmental and economic interests in the region.

39 The Legislature therefore determines that it is in the public interest

1 to create a commission composed of both local and State officials and
2 representatives to oversee and safeguard Lake Hopatcong as a natural,
3 scenic, and recreational resource to ensure that the lake may be
4 enjoyed to the fullest possible measure by citizens of, and visitors to,
5 the State both now and in the future.

6
7 3. a. There is created, in but not of the Department of
8 Environmental Protection, the Lake Hopatcong Commission, which
9 shall comprise 11 voting members, as follows: a representative of
10 Morris county appointed by the Board of Chosen Freeholders thereof;
11 a representative of Sussex county appointed by the Board of Chosen
12 Freeholders thereof; a representative of Hopatcong borough appointed
13 by the governing body thereof; a representative of Jefferson township
14 appointed by the governing body thereof; a representative of Mount
15 Arlington borough appointed by the governing body thereof; a
16 representative of Roxbury township appointed by the governing body
17 thereof; two members of the public appointed by the Governor with
18 the advice and consent of the Senate; a chairperson of the commission
19 appointed by the Governor with the advice and consent of the Senate;
20 the Commissioner of Community Affairs, or a designee thereof, who
21 shall serve *ex officio*; and the Commissioner of Environmental
22 Protection, or a designee thereof, who shall serve *ex officio*.

23 b. Each county and municipal appointing authority as prescribed
24 pursuant to subsection a. of this section may also respectively appoint
25 an alternate member for each regular member appointed by the county
26 or municipal appointing authority to act in the absence or disability of
27 the regular member, and while so acting an alternate member shall
28 have all the powers, including voting powers, of the regular member.

29 c. (1) The chairperson of the commission shall serve a term of
30 three years and until a successor shall have been appointed and
31 qualified. A chairperson may be reappointed to successive terms.

32 (2) Each member of the public appointed by the Governor shall
33 serve a term of two years and until a successor shall have been
34 appointed and qualified; except that of the two members of the public
35 first appointed, one shall serve a term of two years and the other a
36 term of one year. Members of the public appointed by the Governor
37 may be reappointed to successive terms.

38 (3) Each member or alternate member appointed by a county or a
39 municipality shall serve a term of two years and until a successor shall
40 have been appointed and qualified; except that each member and
41 alternate member first appointed by Sussex county, Mount Arlington
42 borough, and Roxbury township shall serve a term of one year, and
43 thereafter each member and alternate member appointed by that county
44 and those two municipalities shall serve a term of two years and until
45 a successor shall have been appointed and qualified. Members and
46 alternate members may be reappointed to successive terms.

1 d. Vacancies in the appointed positions on the commission shall
2 be filled in the same manner as the original appointments were made
3 but for the unexpired term only.

4 e. Members of the commission shall serve without compensation,
5 but the commission may, within the limits of funds appropriated or
6 otherwise made available to it, reimburse members for actual expenses
7 necessarily incurred in the discharge of their official duties.

8 f. Members of the commission shall serve at the pleasure of the
9 relevant appointing authority.

10
11 4. a. The Lake Hopatcong Commission shall organize as soon as
12 may be practicable after the appointment of its members, and shall
13 elect a secretary who need not be a member.

14 b. The commission shall meet regularly as it may determine, but
15 not less than on a quarterly basis. Meetings of the commission shall
16 be at such times and places as the commission deems appropriate and
17 shall be subject to the provisions and requirements of the "Open Public
18 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

19 The commission shall also meet at the call of the Governor or of the
20 chairperson.

21 c. A majority of the membership of the commission shall
22 constitute a quorum for the transaction of commission business.
23 Action may be taken and motions and resolutions adopted by the
24 commission at any meeting thereof by the affirmative vote of a
25 majority of the full membership of the commission, except that any
26 action to recommend or adopt an annual operating or capital budget
27 shall require an affirmative vote of at least two-thirds of the full
28 membership of the commission.

29 d. The commission shall be entitled to call to its assistance, and
30 avail itself of the services of, such employees of the State, the two
31 member counties, or the four member municipalities, or any political
32 subdivisions, instrumentalities, entities, agencies, or authorities
33 thereof, as it may require and as may be made available to it for the
34 purpose of carrying out its powers, duties, and responsibilities under
35 this act.

36 e. The commission may, within the limits of funds appropriated
37 or otherwise made available to it for those purposes, employ an
38 executive director and other professional, technical, maintenance, and
39 clerical staff, and incur such other miscellaneous expenses, as it may
40 deem necessary in order to carry out its powers, duties, and
41 responsibilities pursuant to this act.

42
43 5. The Lake Hopatcong Commission shall have power to:

44 a. sue and be sued;

45 b. adopt by-laws for the regulation of its affairs and the conduct
46 of its business;

- 1 c. make and execute contracts and all other instruments necessary
2 or convenient for the exercise of its powers, duties, and responsibilities
3 under this act;
- 4 d. establish, construct if necessary, and maintain such offices and
5 facilities as may be necessary for the transacting of its business; and,
6 if deemed appropriate by the commission, establish, or construct if
7 necessary, those offices and facilities on land at Lake Hopatcong State
8 Park or on State land at other appropriate locations around or nearby
9 the lake;
- 10 e. contract for professional and technical assistance; and
- 11 f. contract for and accept assistance, including but not limited to
12 gifts, grants, or loans of funds or of property from the federal
13 government or any agency or instrumentality thereof, from any agency
14 or instrumentality of the State or local government, or from any other
15 public or private source, and to comply, subject to the provisions of
16 this act, with the terms and conditions thereof.
- 17
- 18 6. The duties and responsibilities of the Lake Hopatcong
19 Commission shall be to:
- 20 a. conduct water quality and water quantity monitoring of Lake
21 Hopatcong to assess conditions and changes thereto over time, and
22 identify the causes and sources of environmental threats and impacts
23 to Lake Hopatcong and its watershed;
- 24 b. assess present and projected development, land use, and land
25 management practices and patterns, and determine the effects of those
26 practices and patterns upon the natural, scenic, and recreational
27 resources of Lake Hopatcong and its watershed;
- 28 c. develop plans, strategies, policies, ordinances, and funding
29 mechanisms necessary to protect, preserve, restore, maintain, manage,
30 and enhance Lake Hopatcong and its watershed, to be implemented by
31 those entities with representatives on the commission;
- 32 d. coordinate with, and make recommendations to, the
33 Department of Environmental Protection with respect to any State
34 plan or program for watershed management, water quality, water
35 supply, stormwater management, nonpoint source pollution, or
36 wastewater management for the area that includes Lake Hopatcong
37 and its watershed;
- 38 e. recommend appropriate State legislation and administrative
39 action pertaining to the protection, preservation, restoration,
40 maintenance, management, and enhancement of Lake Hopatcong and
41 its watershed;
- 42 f. encourage and assist in the creation of special local
43 improvement districts for purposes beneficial to Lake Hopatcong and
44 its watershed, including control of stormwater runoff and nonpoint
45 source pollution, and the preservation of significant environmental
46 areas, including wetlands, to control stormwater runoff and nonpoint

1 source pollution;

2 g. review and assess the potential impact upon Lake Hopatcong
3 and its watershed of environmental permit applications pending before
4 or received by the Department of Environmental Protection and
5 provided to the commission pursuant to subsection b. of section 8 of
6 this act, and provide recommendations to the Department of
7 Environmental Protection for appropriate action thereon;

8 h. review and assess the potential impact upon Lake Hopatcong
9 and its watershed of proposed amendments and revisions to municipal
10 master plans, zoning and other ordinances governing land use and
11 development, and applications for specific development projects,
12 which have been provided to the commission pursuant to section 9 of
13 this act, and provide recommendations to the appropriate municipal
14 agency for appropriate action thereon;

15 i. conduct, manage, and coordinate specific activities and projects
16 pertaining to the protection, preservation, restoration, maintenance,
17 management, and enhancement of Lake Hopatcong and its watershed,
18 including, but not limited to, weed control measures, dredging,
19 installation and maintenance of boat sewage pump outs, and
20 environmental education;

21 j. encourage individuals, corporations, associations, and
22 organizations to preserve and enhance the natural scenic beauty, and
23 protect and preserve the purity of the waters, of Lake Hopatcong and
24 its watershed, and to engage in environmental education of the public
25 for such purposes; and

26 k. establish advisory committees and enlist and accept the support
27 and cooperation of organizations of property owners and others
28 interested in promoting the purposes and objectives of this act.

29

30 7. The Lake Hopatcong Commission shall, in conjunction with
31 each Lake Hopatcong municipality, develop a stormwater and
32 nonpoint source pollution management plan for the region. The
33 stormwater management and nonpoint source pollution plan shall be
34 designed to reduce siltation and prevent pollution caused by
35 stormwater runoff or nonpoint sources that would otherwise degrade
36 the water quality of Lake Hopatcong and its tributaries, interfere with
37 water-based recreation, or adversely affect aquatic life. The goals and
38 purposes of the plan shall be to improve the quality of stormwater
39 runoff entering Lake Hopatcong, identify cost effective measures to
40 control stormwater runoff and nonpoint source pollution, and identify
41 funding mechanisms for implementation of such measures.

42

43 8. a. The Division of State Police in the Department of Law and
44 Public Safety, with respect to State boating laws, the Division of Fish
45 and Wildlife in the Department of Environmental Protection, with
46 respect to State fish and wildlife laws, and the Department of

1 Environmental Protection, with respect to environmental violations,
2 shall each prepare and submit a report, on at least an annual basis, to
3 the Lake Hopatcong Commission on the number and type of law
4 enforcement stops made, violations for which citations, notices, or
5 orders were issued, and crimes, offenses, and violations committed
6 during the prior year either on Lake Hopatcong or in the immediate
7 area of Lake Hopatcong as defined by the commission.

8 b. The Department of Environmental Protection shall provide to
9 the commission notice of any permit application pending before or
10 received by the department for an activity that may impact upon Lake
11 Hopatcong or its watershed, and request that the commission review
12 and evaluate the permit application to assess the potential impact of
13 the activity proposed therein upon Lake Hopatcong and its watershed
14 and provide the commission's recommendations for appropriate action
15 thereon.

16 c. The Division of Fish and Wildlife shall consult with the
17 commission prior to engaging in any fish stocking or fishery
18 management activities affecting Lake Hopatcong.

19
20 9. Each municipality represented on the commission shall provide
21 the commission notice of proposed amendments and revisions to
22 municipal master plans, zoning and other ordinances governing land
23 use and development, and applications for specific development
24 projects, and request that the commission review and evaluate the
25 proposed amendment, revision, or application to assess its potential
26 impact upon Lake Hopatcong and its watershed and provide the
27 commission's recommendations for appropriate action thereon.

28
29 10. The Lake Hopatcong Commission shall, within 18 months after
30 the date it organizes, prepare a progress report on its activities, and
31 submit it, together with any recommendations for legislation,
32 administrative action, or action by local governments, to the Governor,
33 the Legislature, and the Senate Environment Committee, the Assembly
34 Environment Committee, and the Assembly Agriculture and Natural
35 Resources Committee or their respective successors.

36
37 11. a. The Lake Hopatcong Regional Planning Board is abolished.

38 b. All files, papers, and records of the Lake Hopatcong Regional
39 Planning Board are transferred to the Lake Hopatcong Commission.

40 c. All State and federal appropriations, grants and other moneys
41 available and to become available to the Lake Hopatcong Regional
42 Planning Board are transferred to the Lake Hopatcong Commission,
43 and shall be available for the objects and purposes for which
44 appropriated, subject to any terms, restrictions, limitations or other
45 requirements imposed by State or federal law.

1 12. Notwithstanding any provision of law, rule, or regulation to the
2 contrary, any State or federal funds appropriated, allocated, or
3 designated by law, rule, regulation, or otherwise for the protection,
4 preservation, restoration, maintenance, management, or enhancement
5 of Lake Hopatcong shall be allocated to the Lake Hopatcong
6 Commission for expenditure in furtherance of the purposes and
7 objectives of this act. This section shall not apply to State or federal
8 funds appropriated, allocated, or designated for Lake Hopatcong State
9 Park.

10
11 13. There is appropriated from the General Fund to the Lake
12 Hopatcong Commission the sum of \$3,000,000 to pay for startup costs
13 and to carry out the purposes and objectives of this act in the first year
14 after the date of enactment of this act, and any unspent monies after
15 that first year shall be carried forward for use by the commission in
16 future years. Each year after the first year, the commission shall
17 submit its annual budget request for funds sufficient to carry out the
18 purposes and objectives of this act as part of the annual budget request
19 submitted by the Department of Environmental Protection to the
20 Division of Budget and Accounting in the Department of the Treasury,
21 which shall include it in the budget request submitted annually by the
22 Governor for appropriation by the Legislature.

23
24 14. This act shall take effect immediately, except that section 11 of
25 this act shall take effect on the 60th day after the date of enactment of
26 this act.

27 28 STATEMENT

29
30 This bill would create a 11-member commission, to be known as the
31 Lake Hopatcong Commission, the purpose of which would be to
32 provide the structure and the means to effectively facilitate the
33 cooperation of various levels of government in the Lake Hopatcong
34 area to help ensure that the natural, scenic, and recreational resources
35 of Lake Hopatcong and its watershed are protected from despoliation
36 due to environmental and other threats, so that the pristine beauty of
37 the area will be preserved and maintained for the enjoyment and
38 recreation of present and future generations.

39 The commission's membership would be as follows: a
40 representative of Morris county appointed by the Board of Chosen
41 Freeholders thereof; a representative of Sussex county appointed by
42 the Board of Chosen Freeholders thereof; a representative of
43 Hopatcong borough appointed by the governing body thereof; a
44 representative of Jefferson township appointed by the governing body
45 thereof; a representative of Mount Arlington borough appointed by the
46 governing body thereof; a representative of Roxbury township

1 appointed by the governing body thereof; two members of the public
2 appointed by the Governor with the advice and consent of the Senate;
3 a chairperson of the commission appointed by the Governor with the
4 advice and consent of the Senate; the Commissioner of Community
5 Affairs, or a designee thereof, who shall serve ex officio, and the
6 Commissioner of Environmental Protection, or a designee thereof,
7 who shall serve ex officio. The chairperson would serve a term of
8 three years and appointed members terms of two years (except for
9 some of those first appointed so as to ensure a staggering of the terms
10 of the members on the commission).

11 The duties and responsibilities of the commission would be to:

12 (1) conduct water quality and water quantity monitoring of Lake
13 Hopatcong to assess conditions and changes thereto over time, and
14 identify the causes and sources of environmental threats and impacts
15 to Lake Hopatcong and its watershed;

16 (2) assess present and projected development, land use, and land
17 management practices and patterns, and determine the effects of those
18 practices and patterns upon the natural, scenic, and recreational
19 resources of Lake Hopatcong and its watershed;

20 (3) develop plans, strategies, policies, ordinances, and funding
21 mechanisms necessary to protect, preserve, restore, maintain, manage,
22 and enhance Lake Hopatcong and its watershed, to be implemented by
23 those entities with representatives on the commission;

24 (4) coordinate with, and make recommendations to, the
25 Department of Environmental Protection (DEP) with respect to any
26 State plan or program for watershed management, water quality, water
27 supply, stormwater management, nonpoint source pollution, or
28 wastewater management for the area that includes Lake Hopatcong
29 and its watershed;

30 (5) recommend appropriate State legislation and administrative
31 action pertaining to the protection, preservation, restoration,
32 maintenance, management, and enhancement of Lake Hopatcong and
33 its watershed;

34 (6) encourage and assist in the creation of special local
35 improvement districts for purposes beneficial to Lake Hopatcong and
36 its watershed, including control of stormwater runoff and nonpoint
37 source pollution, and the preservation of significant environmental
38 areas, including wetlands, to control stormwater runoff and nonpoint
39 source pollution;

40 (7) review and assess the potential impact upon Lake Hopatcong
41 and its watershed of environmental permit applications pending before
42 or received by the DEP and provided to the commission pursuant to
43 the bill, and provide recommendations to the DEP for appropriate
44 action thereon;

45 (8) review and assess the potential impact upon Lake Hopatcong
46 and its watershed of proposed amendments and revisions to municipal

1 master plans, zoning and other ordinances governing land use and
2 development, and applications for specific development projects,
3 which have been provided to the commission pursuant to the bill, and
4 provide recommendations to the appropriate municipal agency for
5 appropriate action thereon;

6 (9) conduct, manage, and coordinate specific activities and projects
7 pertaining to the protection, preservation, restoration, maintenance,
8 management, and enhancement of Lake Hopatcong and its watershed,
9 including, but not limited to, weed control measures, dredging,
10 installation and maintenance of boat sewage pump outs, and
11 environmental education;

12 (10) encourage individuals, corporations, associations, and
13 organizations to preserve and enhance the natural scenic beauty, and
14 protect and preserve the purity of the waters, of Lake Hopatcong and
15 its watershed, and to engage in environmental education of the public
16 for such purposes; and

17 (11) establish advisory committees and enlist and accept the support
18 and cooperation of organizations of property owners and others
19 interested in promoting the purposes and objectives of the bill.

20 The commission, in conjunction with each Lake Hopatcong
21 municipality, would be responsible for developing a stormwater and
22 nonpoint source pollution management plan for the region. The
23 stormwater management and nonpoint source pollution plan would be
24 designed to reduce siltation and prevent pollution caused by
25 stormwater runoff or nonpoint sources that would otherwise degrade
26 the water quality of Lake Hopatcong and its tributaries, interfere with
27 water-based recreation, or adversely affect aquatic life. The goals and
28 purposes of the plan would be to improve the quality of stormwater
29 runoff entering Lake Hopatcong, identify cost effective measures to
30 control stormwater runoff and nonpoint source pollution, and identify
31 funding mechanisms for implementation of such measures.

32 The bill would require the State Police, with respect to State
33 boating laws, the Division of Fish and Wildlife in the DEP, with
34 respect to State fish and wildlife laws, and the DEP, with respect to
35 environmental violations, to each prepare and submit a report, on at
36 least an annual basis, to the Lake Hopatcong Commission on the
37 number and type of law enforcement stops made, violations for which
38 citations, notices, or orders were issued, and crimes, offenses, and
39 violations committed during the prior year either on Lake Hopatcong
40 or in the immediate area of Lake Hopatcong as defined by the
41 commission.

42 The bill would require the DEP to (1) provide to the commission
43 notice of any permit application pending before or received by the
44 department for an activity that may impact upon Lake Hopatcong or
45 its watershed, and (2) request that the commission review and evaluate
46 the permit application to assess the potential impact of the activity

1 proposed therein on Lake Hopatcong and its watershed, and provide
2 the commission's recommendations for appropriate action thereon.

3 The bill also would require the Division of Fish and Wildlife in the
4 DEP to consult with the commission prior to engaging in any fish
5 stocking or fishery management activities affecting Lake Hopatcong.

6 The bill would require that each municipality represented on the
7 commission provide the commission notice of proposed amendments
8 and revisions to municipal master plans, zoning and other ordinances
9 governing land use and development, and applications for specific
10 development projects, and request that the commission review and
11 evaluate the proposed amendment, revision, or application to assess
12 its potential impact upon Lake Hopatcong and its watershed and
13 provide the commission's recommendations for appropriate action
14 thereon.

15 Further, the bill would abolish the existing Lake Hopatcong
16 Regional Planning Board. It would also require the Lake Hopatcong
17 Commission to make a progress report within 18 months.

18 Finally, the bill would appropriate \$3 million to the Lake
19 Hopatcong Commission to pay for startup costs and to carry out the
20 purposes and objectives of the bill in the first year of its existence.
21 Thereafter, it is anticipated that the commission and projects
22 undertaken by the commission would be funded through the annual
23 appropriations act.

24

25

26

27 Creates Lake Hopatcong Commission; appropriates \$3 million.

CHAPTER 175

AN ACT creating the Lake Hopatcong Commission, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C.58:4B-1 Short title.

1. This act shall be known, and may be cited, as the "Lake Hopatcong Protection Act."

C.58:4B-2 Finding, determinations relative to Lake Hopatcong.

2. The Legislature finds that the preservation and enhancement of the natural beauty of the State and the development of natural resources for public recreation and conservation purposes promote the public health and welfare; and that scenic Lake Hopatcong in Morris and Sussex counties is a unique example of that natural beauty and is therefore a natural resource worthy of special attention, consideration, and protection by all levels of government.

The Legislature further finds that the area around Lake Hopatcong, originally a seasonal community, has become a year-round residential community; that these residences and other buildings are currently served by individual septic systems, many of which have been failing for some time, causing a significant impact upon the lake's water quality; and that the installation of a sewer system for the residents currently living around Lake Hopatcong is necessary to eliminate the pollution caused by these septic systems.

The Legislature further finds that water quality in Lake Hopatcong has been degraded over time by the introduction of nutrients and other pollutants from significant sources other than septic systems, including stormwater runoff and other nonpoint sources of pollution, which reduce oxygen in the water, thereby causing weeds to grow uncontrollably on the lake bottom; and that these weeds are a hazard to recreational boaters and diminish fishing, swimming, and other recreational activities on the lake.

The Legislature further finds that Lake Hopatcong is the largest freshwater lake in the State; that it serves as an emergency source of drinking water for the region and supports a range of recreational uses that contribute significantly to the region's economy; and that improving water quality in the lake is important to protect both environmental and economic interests in the region.

The Legislature therefore determines that it is in the public interest to create a commission composed of both local and State officials and representatives to oversee and safeguard Lake Hopatcong as a natural, scenic, and recreational resource to ensure that the lake may be enjoyed to the fullest possible measure by citizens of, and visitors to, the State both now and in the future.

C.58:4B-3 Lake Hopatcong Commission.

3. a. There is created, in but not of the Department of Environmental Protection, the Lake Hopatcong Commission, which shall comprise 11 voting members, as follows: a representative of Morris county appointed by the Board of Chosen Freeholders thereof; a representative of Sussex county appointed by the Board of Chosen Freeholders thereof; a representative of Hopatcong borough appointed by the governing body thereof; a representative of Jefferson township appointed by the governing body thereof; a representative of Mount Arlington borough appointed by the governing body thereof; a representative of Roxbury township appointed by the governing body thereof; two members of the public appointed by the Governor with the advice and consent of the Senate; a chairperson of the commission appointed by the Governor with the advice and consent of the Senate; the Commissioner of Community Affairs, or a designee thereof, who shall serve ex officio; and the Commissioner of Environmental Protection, or a designee thereof, who shall serve ex officio.

b. Each county and municipal appointing authority as prescribed pursuant to subsection a. of this section may also respectively appoint an alternate member for each regular member appointed by the county or municipal appointing authority to act in the absence or disability of the regular member, and while so acting an alternate member shall have all the powers, including voting powers, of the regular member.

c. (1) The chairperson of the commission shall serve a term of three years and until a successor shall have been appointed and qualified. A chairperson may be reappointed to

successive terms.

(2) Each member of the public appointed by the Governor shall serve a term of two years and until a successor shall have been appointed and qualified; except that of the two members of the public first appointed, one shall serve a term of two years and the other a term of one year. Members of the public appointed by the Governor may be reappointed to successive terms.

(3) Each member or alternate member appointed by a county or a municipality shall serve a term of two years and until a successor shall have been appointed and qualified; except that each member and alternate member first appointed by Sussex county, Mount Arlington borough, and Roxbury township shall serve a term of one year, and thereafter each member and alternate member appointed by that county and those two municipalities shall serve a term of two years and until a successor shall have been appointed and qualified. Members and alternate members may be reappointed to successive terms.

d. Vacancies in the appointed positions on the commission shall be filled in the same manner as the original appointments were made but for the unexpired term only.

e. Members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

f. Members of the commission shall serve at the pleasure of the relevant appointing authority.

C.58:4B-4 Organization, meetings of commission.

4. a. The Lake Hopatcong Commission shall organize as soon as may be practicable after the appointment of its members, and shall elect a secretary who need not be a member.

b. The commission shall meet regularly as it may determine, but not less than on a quarterly basis. Meetings of the commission shall be at such times and places as the commission deems appropriate and shall be subject to the provisions and requirements of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

The commission shall also meet at the call of the Governor or of the chairperson.

c. A majority of the membership of the commission shall constitute a quorum for the transaction of commission business. 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 full membership of the commission, except that any action to recommend or adopt an annual operating or capital budget shall require an affirmative vote of at least two-thirds of the full membership of the commission.

d. The commission shall be entitled to call to its assistance, and avail itself of the services of, such employees of the State, the two member counties, or the four member municipalities, or any political subdivisions, instrumentalities, entities, agencies, or authorities thereof, as it may require and as may be made available to it for the purpose of carrying out its powers, duties, and responsibilities under this act.

e. The commission may, within the limits of funds appropriated or otherwise made available to it for those purposes, employ an executive director and other professional, technical, maintenance, and clerical staff, and incur such other miscellaneous expenses, as it may deem necessary in order to carry out its powers, duties, and responsibilities pursuant to this act.

C.58:4B-5 Powers of commission.

5. The Lake Hopatcong Commission shall have power to:

a. sue and be sued;

b. adopt bylaws for the regulation of its affairs and the conduct of its business;

c. make and execute contracts and all other instruments necessary or convenient for the exercise of its powers, duties, and responsibilities under this act;

d. establish, construct if necessary, and maintain such offices and facilities as may be necessary for the transacting of its business; and, if deemed appropriate by the commission, establish, or construct if necessary, those offices and facilities on land at Lake Hopatcong State Park or on State land at other appropriate locations around or nearby the lake;

e. contract for professional and technical assistance; and

f. contract for and accept assistance, including but not limited to gifts, grants, or loans of funds or of property from the federal government or any agency or instrumentality thereof, from any agency or instrumentality of the State or local government, or from any other public or private source, and to comply, subject to the provisions of this act, with the terms and conditions thereof.

C.58:4B-6 Duties, responsibilities of commission.

6. The duties and responsibilities of the Lake Hopatcong Commission shall be to:

a. conduct water quality and water quantity monitoring of Lake Hopatcong to assess conditions and changes thereto over time, and identify the causes and sources of environmental threats and impacts to Lake Hopatcong and its watershed;

b. assess present and projected development, land use, and land management practices and patterns, and determine the effects of those practices and patterns upon the natural, scenic, and recreational resources of Lake Hopatcong and its watershed;

c. develop plans, strategies, policies, ordinances, and funding mechanisms necessary to protect, preserve, restore, maintain, manage, and enhance Lake Hopatcong and its watershed, to be implemented by those entities with representatives on the commission;

d. coordinate with, and make recommendations to, the Department of Environmental Protection with respect to any State plan or program for watershed management, water quality, water supply, stormwater management, nonpoint source pollution, or wastewater management for the area that includes Lake Hopatcong and its watershed;

e. recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed;

f. encourage and assist in the creation of special local improvement districts for purposes beneficial to Lake Hopatcong and its watershed, including control of stormwater runoff and nonpoint source pollution, and the preservation of significant environmental areas, including wetlands, to control stormwater runoff and nonpoint source pollution;

g. review and assess the potential impact upon Lake Hopatcong and its watershed of environmental permit applications pending before or received by the Department of Environmental Protection and provided to the commission pursuant to subsection b. of section 8 of this act, and provide recommendations to the Department of Environmental Protection for appropriate action thereon;

h. review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, which have been provided to the commission pursuant to section 9 of this act, and provide recommendations to the appropriate municipal agency for appropriate action thereon;

i. conduct, manage, and coordinate specific activities and projects pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed, including, but not limited to, weed control measures, dredging, installation and maintenance of boat sewage pump outs, and environmental education;

j. encourage individuals, corporations, associations, and organizations to preserve and enhance the natural scenic beauty, and protect and preserve the purity of the waters, of Lake Hopatcong and its watershed, and to engage in environmental education of the public for such purposes; and

k. establish advisory committees and enlist and accept the support and cooperation of organizations of property owners and others interested in promoting the purposes and objectives of this act.

C.58:4B-7 Development of stormwater, nonpoint source pollution management plan.

7. The Lake Hopatcong Commission shall, in conjunction with each Lake Hopatcong municipality, develop a stormwater and nonpoint source pollution management plan for the region. The stormwater management and nonpoint source pollution plan shall be designed to reduce siltation and prevent pollution caused by stormwater runoff or nonpoint sources that

would otherwise degrade the water quality of Lake Hopatcong and its tributaries, interfere with water-based recreation, or adversely affect aquatic life. The goals and purposes of the plan shall be to improve the quality of stormwater runoff entering Lake Hopatcong, identify cost effective measures to control stormwater runoff and nonpoint source pollution, and identify funding mechanisms for implementation of such measures.

C.58:4B-8 Reports to commission, notices, consultations, by State agencies.

8. a. The Division of State Police in the Department of Law and Public Safety, with respect to State boating laws, the Division of Fish and Wildlife in the Department of Environmental Protection, with respect to State fish and wildlife laws, and the Department of Environmental Protection, with respect to environmental violations, shall each prepare and submit a report, on at least an annual basis, to the Lake Hopatcong Commission on the number and type of law enforcement stops made, violations for which citations, notices, or orders were issued, and crimes, offenses, and violations committed during the prior year either on Lake Hopatcong or in the immediate area of Lake Hopatcong as defined by the commission.

b. The Department of Environmental Protection shall provide to the commission notice of any permit application pending before or received by the department for an activity that may impact upon Lake Hopatcong or its watershed, and request that the commission review and evaluate the permit application to assess the potential impact of the activity proposed therein upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

c. The Division of Fish and Wildlife shall consult with the commission prior to engaging in any fish stocking or fishery management activities affecting Lake Hopatcong.

C.58:4B-9 Notice of amendments, revisions to municipal master plans.

9. Each municipality represented on the commission shall provide the commission notice of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, and request that the commission review and evaluate the proposed amendment, revision, or application to assess its potential impact upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

C.58:4B-10 Progress report by commission.

10. The Lake Hopatcong Commission shall, within 18 months after the date it organizes, prepare a progress report on its activities, and submit it, together with any recommendations for legislation, administrative action, or action by local governments, to the Governor, the Legislature, and the Senate Environment Committee, the Assembly Environment Committee, and the Assembly Agriculture and Natural Resources Committee or their respective successors.

C.58:4B-11 Lake Hopatcong Regional Planning Board abolished.

11. a. The Lake Hopatcong Regional Planning Board is abolished.

b. All files, papers, and records of the Lake Hopatcong Regional Planning Board are transferred to the Lake Hopatcong Commission.

c. All State and federal appropriations, grants and other moneys available and to become available to the Lake Hopatcong Regional Planning Board are transferred to the Lake Hopatcong Commission, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or federal law.

C.58:4B-12 Allocation, expenditure of funds.

12. Notwithstanding any provision of law, rule, or regulation to the contrary, any State or federal funds appropriated, allocated, or designated by law, rule, regulation, or otherwise for the protection, preservation, restoration, maintenance, management, or enhancement of Lake Hopatcong shall be allocated to the Lake Hopatcong Commission for expenditure in furtherance of the purposes and objectives of this act. This section shall not apply to State or federal funds appropriated, allocated, or designated for Lake Hopatcong State Park.

C.58:4B-13 Appropriations; annual budget requests.

13. There is appropriated from the General Fund to the Lake Hopatcong Commission the sum of \$3,000,000 to pay for startup costs and to carry out the purposes and objectives of this act in the first year after the date of enactment of this act, and any unspent monies after that first year shall be carried forward for use by the commission in future years. Each year after the first year, the commission shall submit its annual budget request for funds sufficient to carry out the purposes and objectives of this act as part of the annual budget request submitted by the Department of Environmental Protection to the Division of Budget and Accounting in the Department of the Treasury, which shall include it in the budget request submitted annually by the Governor for appropriation by the Legislature.

14. This act shall take effect immediately, except that section 11 of this act shall take effect on the 60th day after the date of enactment of this act.

Approved January 8, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
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609-777-2600

RELEASE: January 9, 2001

Governor Whitman today signed the following legislation:

S-968, sponsored by Senators Vitale (D-Middlesex) and Bennett (R-Monmouth) and Assembly Members Weinberg (D-Bergen) and Zisa (D-Bergen), creates the new third-degree offense of endangering an injured victim.

S-1383, sponsored by Senators Bucco (R-Morris) and Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Gregg (R-Sussex/Hunterdon/Morris) and Carroll (R-Morris), creates the Lake Hopatcong Commission and appropriates \$3 million.

S-572, sponsored by Senators Robertson (R-Essex/Passaic) and Codey (D-Essex) and Assembly Member O'Toole (R-Essex/Union), permits simulated voting for minors at polling places.

S-454, sponsored by Senators Girgenti (D-Passaic) and Kosco (R-Bergen) and Assembly Member Wisniewski (D-Middlesex), raises the maximum age for appointment for exempt firemen to age 45. Additionally, the bill removes the residency and citizenship requirements for qualification for an exempt fireman certificate.

A-1710, sponsored by Assembly Members Wisniewski (D-Middlesex) and Kelly (R-Bergen/Essex/Passaic) and Senators Bucco (R-Morris) and Girgenti (D-Passaic), makes a designated command structure a required element in municipal and county Emergency Operations Plans involving responses to mutual-aid fires.

A-2271, sponsored by Assembly Members Russo (R-Bergen/Passaic) and Zecker (R-Essex/Passaic) and Senator Bennett (R-Monmouth), clarifies certain duties of the municipal prosecutor with respect to zoning and building code violations.