

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 251, *approved January 14, 2004*
Senate Committee Substitute for
Senate, No. 1465

1 AN ACT concerning the Six Mile Run Reservoir site, and amending
2 and supplementing P.L.1981, c.262.

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

6
7 1. Section 3 of P.L.1981, c.262 (C.58:1A-3) is amended to read
8 as follows:

9 3. As used in the provisions of P.L.1981, c.262 (C.58:1A-1 et
10 seq.) **[and]**, P.L.1993, c.202 (C.58:1A-7.3 et al.) and P.L. _____, c. _____
11 (C. _____)(pending in the Legislature as this bill):

12 a. "Commissioner" means the Commissioner of the Department of
13 Environmental Protection or **[his]** the commissioner's designated
14 representative;

15 b. "Consumptive use" means any use of water diverted from
16 surface or ground waters other than a nonconsumptive use as defined
17 in this **[act]** section;

18 c. "Department" means the Department of Environmental
19 Protection;

20 d. "Diversion" means the taking or impoundment of water from a
21 river, stream, lake, pond, aquifer, well, other underground source, or
22 other water body, whether or not the water is returned thereto,
23 consumed, made to flow into another stream or basin, or discharged
24 elsewhere;

25 e. "Nonconsumptive use" means the use of water diverted from
26 surface or ground waters in such a manner that it is returned to the
27 surface or ground water at or near the point from which it was taken
28 without substantial diminution in quantity or substantial impairment of
29 quality;

30 f. "Person" means any individual, corporation, company,
31 partnership, firm, association, owner or operator of a water supply
32 facility, political subdivision of the State and any state, or interstate
33 agency or Federal agency;

34 g. "Waters" or "waters of the State" means all surface waters and
35 ground waters in the State;

36 h. "Safe or dependable yield" or "safe yield" means that
37 maintainable yield of water from a surface or ground water source or
38 sources which is available continuously during projected future

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

Matter underlined thus is new matter.

1 conditions, including a repetition of the most severe drought of record,
2 without creating undesirable effects, as determined by the department;

3 i. "Aquaculture" means the propagation, rearing and subsequent
4 harvesting of aquatic species in controlled or selected environments,
5 and the subsequent processing, packaging and marketing, and shall
6 include, but need not be limited to, activities to intervene in the rearing
7 process to increase production such as stocking, feeding,
8 transplanting, and providing for protection from predators.
9 "Aquaculture" shall not include the construction of facilities and
10 appurtenant structures that might otherwise be regulated pursuant to
11 any State or federal law or regulation;

12 j. "Aquatic organism" means and includes, but need not be limited
13 to, finfish, mollusks, crustaceans, and aquatic plants which are the
14 property of a person engaged in aquaculture;

15 k. "Six Mile Run Reservoir Site" means the land acquired by the
16 State for development of the Six Mile Run Reservoir in Franklin
17 Township, Somerset County, as identified by the Eastern Raritan
18 Feasibility Study and the New Jersey Statewide Water Supply Plan
19 prepared and adopted by the department pursuant to section 13 of
20 P.L.1981, c.262 (C.58:1A-13).

21 (cf: P.L.1997, c.236, s.29)

22

23 2. Section 13 of P.L.1981, c.262 (C.58:1A-13) is amended to read
24 as follows:

25 13. a. The department shall prepare and adopt the New Jersey
26 Statewide Water Supply Plan, which plan shall be revised and updated
27 at least once every five years.

28 b. The plan shall include, but need not be limited to, the following:

29 (1) An identification of existing Statewide and regional ground
30 and surface water supply sources, both interstate and intrastate, and
31 the current usage thereof;

32 (2) Projections of Statewide and regional water supply demands
33 for the duration of the plan;

34 (3) Recommendations for improvements to existing State water
35 supply facilities, the construction of additional State water supply
36 facilities, and for the interconnection or consolidation of existing water
37 supply systems;

38 (4) Recommendations for the diversion or use of fresh surface or
39 ground waters and saline surface or ground [water] waters for
40 aquaculture purposes; [and]

41 (5) Recommendations for legislative and administrative actions to
42 provide for the maintenance and protection of watershed areas; and

43 (6) Identification of lands purchased by the State for water supply
44 facilities that currently are not actively used for water supply purposes,
45 including, but not limited to, the Six Mile Run Reservoir Site, with
46 recommendations as to the future use of these lands for water supply

1 purposes within or outside of the planning horizon for the plan.

2 c. Prior to adopting the plan, including any revisions and updates
3 thereto, the department shall:

4 (1) Prepare and make available to all interested persons a copy of
5 the proposed plan or proposed revisions and updates to the current
6 plan;

7 (2) Conduct public meetings in the several geographic areas of the
8 State on the proposed plan or proposed revisions and updates to the
9 current plan; and

10 (3) Consider the comments made at these meetings, make any
11 revisions to the proposed plan or proposed revisions and updates to
12 the current plan as it deems necessary, and adopt the plan.

13 (cf: P.L.1997, c.236, s.32)

14

15 3. (New section) a. The department shall take actions to assure
16 that State-owned lands identified pursuant to paragraph (6) of
17 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) shall be
18 maintained in a manner to ensure that their future use for water supply
19 purposes is not materially impaired or increased significantly in cost.

20 b. Until State-owned lands identified pursuant to paragraph (6) of
21 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) are used
22 for water supply purposes, these lands shall be dedicated to the
23 protection of natural resources, including grasslands, wetlands, forests
24 and reforestation, ecosystem improvement, natural ground water
25 recharge, and agricultural purposes that are compatible with natural
26 resource protection and water quality protection. The use of these
27 lands shall be subject to the following conditions:

28 (1) The lands may be used for open space recreational purposes
29 to the extent that these uses do not impair natural or historic resource
30 protection;

31 (2) Except for the construction of walking paths or bicycle paths,
32 or other structures for passive recreational uses in accordance with the
33 purposes of this act, permanent structures and other impervious cover
34 shall be less than two percent of the total land area. Permanent
35 structures or extensive impervious cover shall not be constructed on
36 those lands that would be used for water supply purposes;

37 (3) The use of these lands for non-water supply purposes shall not
38 impair the planned water supply use in any material way. Active
39 recreation shall be allowed only outside the perimeter of any proposed
40 water supply facilities, including, but not limited to, reservoirs,
41 pipelines, canals, pumping stations or dams;

42 (4) Passive recreation may be allowed within the perimeter of any
43 proposed water supply facility; and

44 (5) Agricultural uses shall be allowed in the most suitable sites
45 based on soils, water quality protection and site configuration and shall
46 be sited in a manner that protects the agricultural uses from significant

1 interference and damage from recreational uses. All agricultural
2 activities shall be conducted in a manner that will protect natural
3 resources and water quality, as determined by the department in
4 conjunction with the Department of Agriculture.

5
6 4. (New section) The provisions of section 3 of P.L. , c.
7 (C.) (pending in the Legislature as this bill) shall not abrogate or
8 in any way affect the terms or conditions of any lease or other
9 agreement that is in effect on the date of enactment between the
10 department and any party relative to the management of land identified
11 pursuant to paragraph (6) of subsection b. of section 13 of P.L.1981,
12 c.262 (C.58:1A-13), nor shall the provisions of P.L. , c. (C.)
13 (pending in the Legislature as this bill) restrict the authority of the
14 department to enter into or extend a lease or agreement to manage
15 those lands, provided that any lease or agreement is consistent with the
16 provisions of section 3 of P.L. , c. (C.)(pending in the
17 Legislature as this bill).

18
19 5. This act shall take effect immediately.

20
21
22 _____
23
24 Requires DEP to include identification of unused State water supply
25 lands, including the Six Mile Run Reservoir Site, and
26 recommendations for their future use within the New Jersey Statewide
27 Water Supply Plan.

SENATE, No. 1465

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 13, 2002

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Requires DEP to develop Site Master Plan for Six Mile Run Reservoir site and other State-owned water supply lands; appropriates \$90,000.

CURRENT VERSION OF TEXT

As introduced.



S1465 B. SMITH

2

1 AN ACT concerning the Six Mile Run Reservoir site, amending and
2 supplementing P.L.1981, c.262, 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. (New section) The Legislature finds that the current system of
8 water supply planning does not sufficiently address the interim uses of
9 lands acquired by the State for water supply purposes but not expected
10 to be used for those purposes for at least ten years.

11 The Legislature further finds that there is insufficient planning for
12 the protection and uses of State-owned lands purchased, but not
13 currently used for, water supply purposes, and for the disposition of
14 such lands whenever the State subsequently determines that the lands
15 are no longer necessary for water supply purposes.

16 The Legislature therefore determines that it is in the public interest
17 to provide a statutory scheme for the management and disposition of
18 all State-owned lands acquired, but not now used for, water supply
19 purposes, as hereinafter provided.

20

21 2. Section 2 of P.L.1981, c.262 (C.58:1A-2) is amended to read as
22 follows:

23 2. The Legislature finds and declares that the water resources of
24 the State are public assets of the State held in trust for its citizens and
25 are essential to the health, safety, economic welfare, recreational and
26 aesthetic enjoyment, and general welfare, of the people of New Jersey;
27 that ownership of these assets is in the State as trustee of the people;
28 that because some areas within the State do not have enough water to
29 meet their current needs and provide an adequate margin of safety, the
30 water resources of the State and any water brought into the State must
31 be planned for and managed as a common resource from which the
32 requirements of the several regions and localities in the State shall be
33 met; that the present regulatory system for these water resources is
34 ineffective and counterproductive; that it is necessary to insure that
35 within each basin there exist adequate water supplies to accommodate
36 present and future needs; that to ensure an adequate supply and quality
37 of water for citizens of the State, both present and future, and to
38 protect the natural environment of the waterways of the State, it is
39 necessary that the State, through its Department of Environmental
40 Protection, have the power to manage the water supply by adopting a
41 uniform water diversion permit system and fee schedule, a monitoring,
42 inspection and enforcement program, a program to study and manage
43 the State's water resources and plan for emergencies and future water

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

Matter underlined thus is new matter.

1 needs, and regulations to manage the waters of the State during water
2 supply and water quality emergencies.

3 The Legislature further finds and declares that sites acquired by the
4 State for the construction and operation of water supply facilities shall
5 be maintained in State ownership in perpetuity, and if not used for
6 water supply purposes, in whole or in part, shall be used for protection
7 of natural resources and for open space recreational purposes to the
8 extent that the recreational uses shall not impair natural resources
9 protection.

10 (cf: P.L.1981, c.262, s.2)

11

12 3. Section 3 of P.L.1981, c.262 (C.58:1A-3) is amended to read as
13 follows:

14 3. As used in the provisions of P.L.1981, c.262 (C.58:1A-1 et seq.)
15 [and], P.L.1993, c.202 (C.58:1A-7.3 et al.) and P.L._____, c.
16 (C.58:1A-17.1 et al.)(pending in the Legislature as this bill):

17 a. "Commissioner" means the Commissioner of the Department of
18 Environmental Protection or [his] the commissioner's designated
19 representative;

20 b. "Consumptive use" means any use of water diverted from
21 surface or ground waters other than a nonconsumptive use as defined
22 in this [act] section;

23 c. "Department" means the Department of Environmental
24 Protection;

25 d. "Diversion" means the taking or impoundment of water from a
26 river, stream, lake, pond, aquifer, well, other underground source, or
27 other water body, whether or not the water is returned thereto,
28 consumed, made to flow into another stream or basin, or discharged
29 elsewhere;

30 e. "Nonconsumptive use" means the use of water diverted from
31 surface or ground waters in such a manner that it is returned to the
32 surface or ground water at or near the point from which it was taken
33 without substantial diminution in quantity or substantial impairment of
34 quality;

35 f. "Person" means any individual, corporation, company,
36 partnership, firm, association, owner or operator of a water supply
37 facility, political subdivision of the State and any state, or interstate
38 agency or Federal agency;

39 g. "Waters" or "waters of the State" means all surface waters and
40 ground waters in the State;

41 h. "Safe or dependable yield" or "safe yield" means that
42 maintainable yield of water from a surface or ground water source or
43 sources which is available continuously during projected future
44 conditions, including a repetition of the most severe drought of record,
45 without creating undesirable effects, as determined by the department;

46 i. "Aquaculture" means the propagation, rearing and subsequent

1 harvesting of aquatic species in controlled or selected environments,
2 and the subsequent processing, packaging and marketing, and shall
3 include, but need not be limited to, activities to intervene in the rearing
4 process to increase production such as stocking, feeding,
5 transplanting, and providing for protection from predators.
6 "Aquaculture" shall not include the construction of facilities and
7 appurtenant structures that might otherwise be regulated pursuant to
8 any State or federal law or regulation;

9 j. "Aquatic organism" means and includes, but need not be limited
10 to, finfish, mollusks, crustaceans, and aquatic plants which are the
11 property of a person engaged in aquaculture;

12 k. "Six Mile Run Reservoir Site" means the land acquired by the
13 State for development of the Six Mile Run Reservoir in Franklin
14 Township, Somerset County, as identified by the Eastern Raritan
15 Feasibility Study and the New Jersey Statewide Water Supply Plan
16 prepared and adopted by the department pursuant to section 13 of
17 P.L.1981, c.262 (C.58:1A-13).

18 (cf: P.L.1997, c.236, s.29)

19

20 4. Section 13 of P.L.1981, c.262 (C.58:1A-13) is amended to read
21 as follows:

22 13. a. The department shall prepare and adopt the New Jersey
23 Statewide Water Supply Plan, which plan shall be revised and updated
24 at least once every five years.

25 b. The plan shall include, but need not be limited to, the following:

26 (1) An identification of existing Statewide and regional ground and
27 surface water supply sources, both interstate and intrastate, and the
28 current usage thereof;

29 (2) Projections of Statewide and regional water supply demands
30 for the duration of the plan;

31 (3) Recommendations for improvements to existing State water
32 supply facilities, the construction of additional State water supply
33 facilities, and for the interconnection or consolidation of existing water
34 supply systems;

35 (4) Recommendations for the diversion or use of fresh surface or
36 ground waters and saline surface or ground ~~[water]~~ waters for
37 aquaculture purposes; ~~[and]~~

38 (5) Recommendations for legislative and administrative actions to
39 provide for the maintenance and protection of watershed areas; and

40 (6) Identification of lands purchased by the State for water supply
41 facilities that currently are not actively used for water supply purposes,
42 including, but not limited to, the Six Mile Run Reservoir Site, with
43 recommendations as to the future use of these lands for water supply
44 purposes within or outside of the planning horizon for the plan.

45 c. Prior to adopting the plan, including any revisions and updates
46 thereto, the department shall:

1 (1) Prepare and make available to all interested persons a copy of
2 the proposed plan or proposed revisions and updates to the current
3 plan;

4 (2) Conduct public meetings in the several geographic areas of the
5 State on the proposed plan or proposed revisions and updates to the
6 current plan; and

7 (3) Consider the comments made at these meetings, make any
8 revisions to the proposed plan or proposed revisions and updates to
9 the current plan as it deems necessary, and adopt the plan.

10 (cf: P.L.1997, c.236, s.32)

11
12 5. (New section) a. The department shall prepare and adopt
13 appropriate revisions and updates to the current New Jersey Statewide
14 Water Supply Plan within 180 days of the effective date of P.L. , c.
15 (C.58:1A-17.1 et al.)(pending in the Legislature as this bill) pursuant
16 to the provisions of section 13 of P.L.1981, c.262 (C.58:1A-13).

17 b. In its preparation of proposed revisions and updates to the
18 current plan, the department shall consult with the New Jersey Water
19 Supply Authority established pursuant to section 4 of P.L.1981, c.293
20 (C.58:1B-4) and the New Jersey Environmental Infrastructure Trust
21 created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), as
22 appropriate.

23
24 6. (New section) a. The department shall take actions to assure
25 that State-owned lands identified pursuant to paragraph (6) of
26 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) shall be
27 maintained in a manner to ensure that their future use for water supply
28 purposes is not materially impaired or increased significantly in cost.

29 b. In its preparation of proposed revisions and updates to the
30 current New Jersey Statewide Water Supply Plan, the department shall
31 comply with the following requirements:

32 (1) The department shall accord priority consideration to
33 recommendations for the future use of State-owned lands identified
34 pursuant to paragraph (6) of subsection b. of section 13 of P.L.1981,
35 c.262 (C.58:1A-13) which require their use for water supply purposes.

36 (2) If the department adopts recommendations for the future use
37 of State-owned lands identified pursuant to paragraph (6) of
38 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which do
39 not require their use for water supply purposes, these lands may be
40 reallocated to non-water supply purposes, in whole or in part. Any
41 reallocated lands shall be dedicated to the protection of natural
42 resources, including grasslands, wetlands, forests and reforestation,
43 ecosystem improvement, natural ground water recharge, and
44 agricultural purposes that are compatible with natural resource
45 protection, and may be used for open space recreational purposes to
46 the extent that these uses do not impair natural resources protection.

1 Permanent structures and other impervious cover shall be less than
2 two percent of the total land area in all cases.

3 (3) If the department adopts recommendations for the future use
4 of State-owned lands identified pursuant to paragraph (6) of
5 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which do
6 not require their use for water supply purposes within 10 years, these
7 lands may be used in the interim, in whole or in part, for the protection
8 of natural resources as defined in paragraph (2) of this subsection, and
9 may be used for open space recreational purposes to the extent that
10 such these do no impair natural resources protection. The use of these
11 lands for non-water supply purposes shall not impair the planned water
12 supply use in any material way. No permanent structures or extensive
13 impervious surfaces shall be allowed within any lands that would be
14 directly used for water supply purposes. Active recreation shall be
15 allowed only outside the perimeter of any proposed water supply
16 facilities, including, but not limited to, reservoirs, pipelines, canals,
17 pumping stations or dams. Passive recreation may be allowed within
18 the perimeter of any proposed water supply facility, and agricultural
19 uses shall be allowed in the most suitable sites based on soils, water
20 quality protection and site configuration and shall be sited in a manner
21 that protects the agricultural uses from significant interference and
22 damage from recreational uses.

23 (4) If the department adopts recommendations for the future use
24 of State-owned lands identified pursuant to paragraph (6) of
25 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which do
26 not require their use for water supply purposes, the determination of
27 appropriate non-water supply uses of these lands shall be at the
28 discretion of the commissioner, subsequent to the approval by the
29 department of a Site Master Plan which shall be in compliance with the
30 provisions of paragraphs (2) or (3) of this subsection, as appropriate.

31 c. The governing body of any county or municipal government
32 which maintains an adjoining parcel of preserved open space may
33 request that the department include those lands within the Site Master
34 Plan developed by the department pursuant to subsection d. of this
35 section. The department shall grant the request unless the county or
36 municipal lands are more than 25 percent of the total land area and
37 funds are not available for their inclusion.

38 d. The Site Master Plan shall include a general site layout showing
39 lands allocated for natural resource preservation, active and passive
40 recreational facilities, identification of proposed agricultural lands, a
41 general design of active recreational facilities, and the identification of
42 land management practices that will restore ecosystem values and
43 prevent water quality and quantity damages from the proposed
44 recreational and agricultural land uses.

45 In its development of the Site Master Plan, the department shall
46 convene and confer extensively with an advisory committee of the

1 Water Supply Advisory Council established pursuant to section 18 of
2 P.L.1981, c.262 (C.13:1B-49.2), which shall represent county and
3 municipal governments, water supply utilities, environmental interests,
4 recreational interests and agricultural interests that are or likely would
5 be significantly impacted by the Site Master Plan.

6 The department shall develop the Site Master Plan within 18
7 months of the effective date of P.L. , c. (C.58:1A-17.1 et
8 al.)(pending in the Legislature as this bill).

9 e. State-owned lands identified pursuant to paragraph (6) of
10 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which are
11 not required for water supply purposes may be reallocated as provided
12 under paragraph (2) of subsection b. of this section only if the
13 provisions of any appropriations act authorizing the use of bond funds
14 for the acquisition of these lands are satisfied, including repayment of
15 the bonds using general revenues or other bonds of the State, as
16 appropriate. The lands shall remain under State ownership and shall be
17 managed by the department. The department may engage in
18 cooperative management of these lands with county or municipal
19 governments.

20 f. The department shall provide long-term leases of 10 years for
21 lands identified within the Site Master Plan for agricultural purposes,
22 provided that all agricultural land management practices in the Site
23 Master Plan are adhered to by the agricultural leaseholders, and
24 provided further that the leases shall be terminated upon a
25 determination by the department to proceed with construction of the
26 water supply facility affecting the lands.

27
28 7. There is appropriated from the General Fund to the Department
29 of Environmental Protection the sum of \$90,000 for development of
30 the Site Master Plan as provided in section 6 of P.L. , c. (C.58:1A-
31 17.3)(pending in the Legislature as this bill).

32
33 8. This act shall take effect immediately.

34
35
36 STATEMENT
37

38 This bill requires the Department of Environmental Protection
39 (DEP) to develop a Site Master Plan for the Six Mile Run Reservoir
40 site and other State-owned lands purchased, but not currently used for,
41 water supply purposes, and appropriates \$90,000 to the DEP for the
42 costs thereof. The DEP must develop the Site Master Plan within 18
43 months of the bill's effective date.

44 The bill requires the DEP to include identification of lands
45 purchased by the State for water supply facilities that currently are not
46 actively used for water supply purposes, including the Six Mile Run

1 Reservoir Site, with recommendations as to the future use of these
2 lands for water supply purposes within the New Jersey Statewide
3 Water Supply Plan. The DEP must prepare and adopt appropriate
4 revisions and updates to the current New Jersey Statewide Water
5 Supply Plan within 180 days of the bill's effective date.

6 In revising and updating the New Jersey Statewide Water Supply
7 Plan, the DEP must comply with the following requirements:

8 (1) Priority consideration must be accorded to recommendations
9 for the future use of State-owned water supply lands identified in the
10 Plan which require their use for water supply purposes.

11 (2) If recommendations are adopted for the future use of State-
12 owned water supply lands identified in the Plan which do not require
13 their use for water supply purposes, these lands may be reallocated to
14 non-water supply purposes. Any reallocated lands must be dedicated
15 to the protection of natural resources, ecosystem improvement, natural
16 ground water recharge, and agricultural purposes that are compatible
17 with natural resource protection. The lands may be used for open
18 space recreational purposes to the extent that these uses do not impair
19 natural resources protection. Permanent structures and other
20 impervious cover may only constitute less than two percent of the total
21 land area in all cases.

22 (3) If recommendations are adopted for the future use of State-
23 owned water supply lands identified in the Plan which do not require
24 their use for water supply purposes within 10 years, these lands may
25 be used in the interim for the protection of natural resources, and may
26 be used for open space recreational purposes to the extent that such
27 these do no impair natural resources protection. The use of these lands
28 for non-water supply purposes must not impair the planned water
29 supply use in any material way. No permanent structures or extensive
30 impervious surfaces will be allowed within any lands that would be
31 directly used for water supply purposes. Active recreation will be
32 allowed only outside the perimeter of any proposed water supply
33 facilities. Passive recreation may be allowed within the perimeter of
34 any proposed water supply facility, and agricultural uses will be
35 allowed in the most suitable sites based on soils, water quality
36 protection and site configuration and shall be sited in a manner that
37 protects the agricultural uses from significant interference and damage
38 from recreational uses.

39 (4) If recommendations are adopted for the future use of State-
40 owned lands identified in the Plan which do not require their use for
41 water supply purposes, the Commissioner of DEP would have the
42 discretion to determine appropriate non-water supply uses of these
43 lands, subsequent to the approval by the DEP of the Site Master Plan.

44 Any county or municipal government which maintains an adjoining
45 parcel of preserved open space may request the DEP to include those
46 lands within the Site Master Plan. The DEP must grant the request

1 unless the county or municipal lands are more than 25 percent of the
2 total land area and funds are not available for their inclusion.

3 The Site Master Plan must include a general site layout showing
4 lands allocated for natural resource preservation, active and passive
5 recreational facilities, identification of proposed agricultural lands, a
6 general design of active recreational facilities, and the identification of
7 land management practices that will restore ecosystem values and
8 prevent water quality and quantity damages from the proposed
9 recreational and agricultural land uses.

10 In developing the Site Master Plan, the DEP must consult with an
11 advisory committee of the Water Supply Advisory Council, which
12 would represent county and municipal governments, water supply
13 utilities, environmental interests, recreational interests and agricultural
14 interests that are or likely would be significantly impacted by the Site
15 Master Plan.

16 State-owned water supply lands identified in the Plan which are not
17 required for water supply purposes may be reallocated only if the
18 provisions of any appropriations act authorizing the use of bond funds
19 for the acquisition of these lands have been satisfied, including
20 repayment of the bonds using general revenues or other bonds of the
21 State, as appropriate. The lands must remain under State ownership
22 and would be managed by the DEP. The DEP may engage in
23 cooperative management of these lands with county or municipal
24 governments.

25 The DEP may provide long-term leases of 10 years for water supply
26 lands identified within the Site Master Plan for agricultural purposes,
27 provided that all agricultural land management practices in the Site
28 Master Plan are adhered to by the agricultural leaseholders, and that
29 the leases are to be terminated upon a determination by the DEP to
30 proceed with construction of the water supply facility affecting the
31 lands.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1465

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Environment Committee favorably reports a Senate Committee Substitute for Senate Bill No. 1465.

The Senate Committee Substitute for Senate Bill No. 1465 requires the Department of Environmental Protection (DEP) to include identification of lands purchased by the State for water supply facilities that currently are not actively used for water supply purposes, including the Six Mile Run Reservoir Site, with recommendations as to the future use of these lands for water supply purposes within the New Jersey Statewide Water Supply Plan.

The substitute bill requires that the DEP protect and maintain these lands in such a way as to ensure that their future use for water supply purposes is not materially impaired. The substitute bill mandates that, until such time that these lands are used for water supply purposes, they shall be dedicated to the protection of natural resources, including grasslands, wetlands, forests and reforestation, ecosystem improvement, natural ground water recharge, protection of historic resources, and agricultural purposes that are compatible with natural resource and water quality protection. These lands may be used in a certain manner under restricted conditions that would not impair natural or historic resources protection or the planned water supply use in any material way.

The substitute bill stipulates that the terms and conditions of any existing lease or other agreement that is in effect on the date of enactment between the DEP and any party relative to the management of these lands will remain in effect. The substitute bill affirms the authority of the DEP to enter into or extend a lease or agreement to manage these lands, provided that any such lease or agreement is consistent with the provisions of the substitute bill.

[Corrected Copy]

ASSEMBLY, No. 2070

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 18, 2002

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman JOSEPH V. EGAN

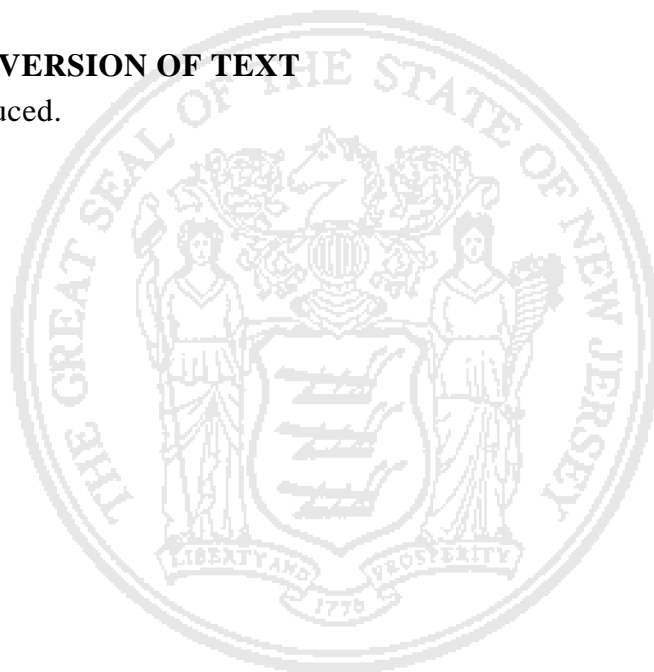
District 17 (Middlesex and Somerset)

SYNOPSIS

Requires DEP to develop Site Master Plan for Six Mile Run Reservoir site and other State-owned water supply lands; appropriates \$90,000.

CURRENT VERSION OF TEXT

As introduced.



A2070 CHIVUKULA, EGAN

2

1 AN ACT concerning the Six Mile Run Reservoir site, amending and
2 supplementing P.L.1981, c.262, 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. (New section) The Legislature finds that the current system of
8 water supply planning does not sufficiently address the interim uses of
9 lands acquired by the State for water supply purposes but not expected
10 to be used for those purposes for at least ten years.

11 The Legislature further finds that there is insufficient planning for
12 the protection and uses of State-owned lands purchased, but not
13 currently used for, water supply purposes, and for the disposition of
14 such lands whenever the State subsequently determines that the lands
15 are no longer necessary for water supply purposes.

16 The Legislature therefore determines that it is in the public interest
17 to provide a statutory scheme for the management and disposition of
18 all State-owned lands acquired, but not now used for, water supply
19 purposes, as hereinafter provided.

20

21 2. Section 2 of P.L.1981, c.262 (C.58:1A-2) is amended to read as
22 follows:

23 2. The Legislature finds and declares that the water resources of
24 the State are public assets of the State held in trust for its citizens and
25 are essential to the health, safety, economic welfare, recreational and
26 aesthetic enjoyment, and general welfare, of the people of New Jersey;
27 that ownership of these assets is in the State as trustee of the people;
28 that because some areas within the State do not have enough water to
29 meet their current needs and provide an adequate margin of safety, the
30 water resources of the State and any water brought into the State must
31 be planned for and managed as a common resource from which the
32 requirements of the several regions and localities in the State shall be
33 met; that the present regulatory system for these water resources is
34 ineffective and counterproductive; that it is necessary to insure that
35 within each basin there exist adequate water supplies to accommodate
36 present and future needs; that to ensure an adequate supply and quality
37 of water for citizens of the State, both present and future, and to
38 protect the natural environment of the waterways of the State, it is
39 necessary that the State, through its Department of Environmental
40 Protection, have the power to manage the water supply by adopting a
41 uniform water diversion permit system and fee schedule, a monitoring,
42 inspection and enforcement program, a program to study and manage
43 the State's water resources and plan for emergencies and future water

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

Matter underlined thus is new matter.

1 needs, and regulations to manage the waters of the State during water
2 supply and water quality emergencies.

3 The Legislature further finds and declares that sites acquired by the
4 State for the construction and operation of water supply facilities shall
5 be maintained in State ownership in perpetuity, and if not used for
6 water supply purposes, in whole or in part, shall be used for protection
7 of natural resources and for open space recreational purposes to the
8 extent that the recreational uses shall not impair natural resources
9 protection.

10 (cf: P.L.1981, c.262, s.2)

11

12 3. Section 3 of P.L.1981, c.262 (C.58:1A-3) is amended to read as
13 follows:

14 3. As used in the provisions of P.L.1981, c.262 (C.58:1A-1 et seq.)
15 [and], P.L.1993, c.202 (C.58:1A-7.3 et al.) and P.L._____, c.
16 (C.58:1A-17.1 et al.)(pending in the Legislature as this bill):

17 a. "Commissioner" means the Commissioner of the Department of
18 Environmental Protection or [his] the commissioner's designated
19 representative;

20 b. "Consumptive use" means any use of water diverted from
21 surface or ground waters other than a nonconsumptive use as defined
22 in this [act] section;

23 c. "Department" means the Department of Environmental
24 Protection;

25 d. "Diversion" means the taking or impoundment of water from a
26 river, stream, lake, pond, aquifer, well, other underground source, or
27 other water body, whether or not the water is returned thereto,
28 consumed, made to flow into another stream or basin, or discharged
29 elsewhere;

30 e. "Nonconsumptive use" means the use of water diverted from
31 surface or ground waters in such a manner that it is returned to the
32 surface or ground water at or near the point from which it was taken
33 without substantial diminution in quantity or substantial impairment of
34 quality;

35 f. "Person" means any individual, corporation, company,
36 partnership, firm, association, owner or operator of a water supply
37 facility, political subdivision of the State and any state, or interstate
38 agency or Federal agency;

39 g. "Waters" or "waters of the State" means all surface waters and
40 ground waters in the State;

41 h. "Safe or dependable yield" or "safe yield" means that
42 maintainable yield of water from a surface or ground water source or
43 sources which is available continuously during projected future
44 conditions, including a repetition of the most severe drought of record,
45 without creating undesirable effects, as determined by the department;

46 i. "Aquaculture" means the propagation, rearing and subsequent

1 harvesting of aquatic species in controlled or selected environments,
2 and the subsequent processing, packaging and marketing, and shall
3 include, but need not be limited to, activities to intervene in the rearing
4 process to increase production such as stocking, feeding,
5 transplanting, and providing for protection from predators.
6 "Aquaculture" shall not include the construction of facilities and
7 appurtenant structures that might otherwise be regulated pursuant to
8 any State or federal law or regulation;

9 j. "Aquatic organism" means and includes, but need not be limited
10 to, finfish, mollusks, crustaceans, and aquatic plants which are the
11 property of a person engaged in aquaculture;

12 k. "Six Mile Run Reservoir Site" means the land acquired by the
13 State for development of the Six Mile Run Reservoir in Franklin
14 Township, Somerset County, as identified by the Eastern Raritan
15 Feasibility Study and the New Jersey Statewide Water Supply Plan
16 prepared and adopted by the department pursuant to section 13 of
17 P.L.1981, c.262 (C.58:1A-13).

18 (cf: P.L.1997, c.236, s.29)

19

20 4. Section 13 of P.L.1981, c.262 (C.58:1A-13) is amended to read
21 as follows:

22 13. a. The department shall prepare and adopt the New Jersey
23 Statewide Water Supply Plan, which plan shall be revised and updated
24 at least once every five years.

25 b. The plan shall include, but need not be limited to, the following:

26 (1) An identification of existing Statewide and regional ground and
27 surface water supply sources, both interstate and intrastate, and the
28 current usage thereof;

29 (2) Projections of Statewide and regional water supply demands
30 for the duration of the plan;

31 (3) Recommendations for improvements to existing State water
32 supply facilities, the construction of additional State water supply
33 facilities, and for the interconnection or consolidation of existing water
34 supply systems;

35 (4) Recommendations for the diversion or use of fresh surface or
36 ground waters and saline surface or ground ~~[water]~~ waters for
37 aquaculture purposes; ~~[and]~~

38 (5) Recommendations for legislative and administrative actions to
39 provide for the maintenance and protection of watershed areas; and

40 (6) Identification of lands purchased by the State for water supply
41 facilities that currently are not actively used for water supply purposes,
42 including, but not limited to, the Six Mile Run Reservoir Site, with
43 recommendations as to the future use of these lands for water supply
44 purposes within or outside of the planning horizon for the plan.

45 c. Prior to adopting the plan, including any revisions and updates
46 thereto, the department shall:

1 (1) Prepare and make available to all interested persons a copy of
2 the proposed plan or proposed revisions and updates to the current
3 plan;

4 (2) Conduct public meetings in the several geographic areas of the
5 State on the proposed plan or proposed revisions and updates to the
6 current plan; and

7 (3) Consider the comments made at these meetings, make any
8 revisions to the proposed plan or proposed revisions and updates to
9 the current plan as it deems necessary, and adopt the plan.

10 (cf: P.L.1997, c.236, s.32)

11
12 5. (New section) a. The department shall prepare and adopt
13 appropriate revisions and updates to the current New Jersey Statewide
14 Water Supply Plan within 180 days of the effective date of P.L. , c.
15 (C.58:1A-17.1 et al.)(pending in the Legislature as this bill) pursuant
16 to the provisions of section 13 of P.L.1981, c.262 (C.58:1A-13).

17 b. In its preparation of proposed revisions and updates to the
18 current plan, the department shall consult with the New Jersey Water
19 Supply Authority established pursuant to section 4 of P.L.1981, c.293
20 (C.58:1B-4) and the New Jersey Environmental Infrastructure Trust
21 created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), as
22 appropriate.

23
24 6. (New section) a. The department shall take actions to assure
25 that State-owned lands identified pursuant to paragraph (6) of
26 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) shall be
27 maintained in a manner to ensure that their future use for water supply
28 purposes is not materially impaired or increased significantly in cost.

29 b. In its preparation of proposed revisions and updates to the
30 current New Jersey Statewide Water Supply Plan, the department shall
31 comply with the following requirements:

32 (1) The department shall accord priority consideration to
33 recommendations for the future use of State-owned lands identified
34 pursuant to paragraph (6) of subsection b. of section 13 of P.L.1981,
35 c.262 (C.58:1A-13) which require their use for water supply purposes.

36 (2) If the department adopts recommendations for the future use
37 of State-owned lands identified pursuant to paragraph (6) of
38 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which do
39 not require their use for water supply purposes, these lands may be
40 reallocated to non-water supply purposes, in whole or in part. Any
41 reallocated lands shall be dedicated to the protection of natural
42 resources, including grasslands, wetlands, forests and reforestation,
43 ecosystem improvement, natural ground water recharge, and
44 agricultural purposes that are compatible with natural resource
45 protection, and may be used for open space recreational purposes to
46 the extent that these uses do not impair natural resources protection.

1 Permanent structures and other impervious cover shall be less than
2 two percent of the total land area in all cases.

3 (3) If the department adopts recommendations for the future use
4 of State-owned lands identified pursuant to paragraph (6) of
5 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which do
6 not require their use for water supply purposes within 10 years, these
7 lands may be used in the interim, in whole or in part, for the protection
8 of natural resources as defined in paragraph (2) of this subsection, and
9 may be used for open space recreational purposes to the extent that
10 such these do no impair natural resources protection. The use of these
11 lands for non-water supply purposes shall not impair the planned water
12 supply use in any material way. No permanent structures or extensive
13 impervious surfaces shall be allowed within any lands that would be
14 directly used for water supply purposes. Active recreation shall be
15 allowed only outside the perimeter of any proposed water supply
16 facilities, including, but not limited to, reservoirs, pipelines, canals,
17 pumping stations or dams. Passive recreation may be allowed within
18 the perimeter of any proposed water supply facility, and agricultural
19 uses shall be allowed in the most suitable sites based on soils, water
20 quality protection and site configuration and shall be sited in a manner
21 that protects the agricultural uses from significant interference and
22 damage from recreational uses.

23 (4) If the department adopts recommendations for the future use
24 of State-owned lands identified pursuant to paragraph (6) of
25 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which do
26 not require their use for water supply purposes, the determination of
27 appropriate non-water supply uses of these lands shall be at the
28 discretion of the commissioner, subsequent to the approval by the
29 department of a Site Master Plan which shall be in compliance with the
30 provisions of paragraphs (2) or (3) of this subsection, as appropriate.

31 c. The governing body of any county or municipal government
32 which maintains an adjoining parcel of preserved open space may
33 request that the department include those lands within the Site Master
34 Plan developed by the department pursuant to subsection d. of this
35 section. The department shall grant the request unless the county or
36 municipal lands are more than 25 percent of the total land area and
37 funds are not available for their inclusion.

38 d. The Site Master Plan shall include a general site layout showing
39 lands allocated for natural resource preservation, active and passive
40 recreational facilities, identification of proposed agricultural lands, a
41 general design of active recreational facilities, and the identification of
42 land management practices that will restore ecosystem values and
43 prevent water quality and quantity damages from the proposed
44 recreational and agricultural land uses.

45 In its development of the Site Master Plan, the department shall
46 convene and confer extensively with an advisory committee of the

1 Water Supply Advisory Council established pursuant to section 18 of
2 P.L.1981, c.262 (C.13:1B-49.2), which shall represent county and
3 municipal governments, water supply utilities, environmental interests,
4 recreational interests and agricultural interests that are or likely would
5 be significantly impacted by the Site Master Plan.

6 The department shall develop the Site Master Plan within 18
7 months of the effective date of P.L. , c. (C.58:1A-17.1 et
8 al.)(pending in the Legislature as this bill).

9 e. State-owned lands identified pursuant to paragraph (6) of
10 subsection b. of section 13 of P.L.1981, c.262 (C.58:1A-13) which are
11 not required for water supply purposes may be reallocated as provided
12 under paragraph (2) of subsection b. of this section only if the
13 provisions of any appropriations act authorizing the use of bond funds
14 for the acquisition of these lands are satisfied, including repayment of
15 the bonds using general revenues or other bonds of the State, as
16 appropriate. The lands shall remain under State ownership and shall be
17 managed by the department. The department may engage in
18 cooperative management of these lands with county or municipal
19 governments.

20 f. The department shall provide long-term leases of 10 years for
21 lands identified within the Site Master Plan for agricultural purposes,
22 provided that all agricultural land management practices in the Site
23 Master Plan are adhered to by the agricultural leaseholders, and
24 provided further that the leases shall be terminated upon a
25 determination by the department to proceed with construction of the
26 water supply facility affecting the lands.

27
28 7. There is appropriated from the General Fund to the Department
29 of Environmental Protection the sum of \$90,000 for development of
30 the Site Master Plan as provided in section 6 of P.L. , c. (C.58:1A-
31 17.3)(pending in the Legislature as this bill).

32
33 8. This act shall take effect immediately.
34
35

36 STATEMENT
37

38 This bill requires the Department of Environmental Protection
39 (DEP) to develop a Site Master Plan for the Six Mile Run Reservoir
40 site and other State-owned lands purchased, but not currently used for,
41 water supply purposes, and appropriates \$90,000 to the DEP for the
42 costs thereof. The DEP must develop the Site Master Plan within 18
43 months of the bill's effective date.

44 The bill requires the DEP to include identification of lands
45 purchased by the State for water supply facilities that currently are not
46 actively used for water supply purposes, including the Six Mile Run

1 Reservoir Site, with recommendations as to the future use of these
2 lands for water supply purposes within the New Jersey Statewide
3 Water Supply Plan. The DEP must prepare and adopt appropriate
4 revisions and updates to the current New Jersey Statewide Water
5 Supply Plan within 180 days of the bill's effective date.

6 In revising and updating the New Jersey Statewide Water Supply
7 Plan, the DEP must comply with the following requirements:

8 (1) Priority consideration must be accorded to recommendations
9 for the future use of State-owned water supply lands identified in the
10 Plan which require their use for water supply purposes.

11 (2) If recommendations are adopted for the future use of State-
12 owned water supply lands identified in the Plan which do not require
13 their use for water supply purposes, these lands may be reallocated to
14 non-water supply purposes. Any reallocated lands must be dedicated
15 to the protection of natural resources, ecosystem improvement, natural
16 ground water recharge, and agricultural purposes that are compatible
17 with natural resource protection. The lands may be used for open
18 space recreational purposes to the extent that these uses do not impair
19 natural resources protection. Permanent structures and other
20 impervious cover may only constitute less than two percent of the total
21 land area in all cases.

22 (3) If recommendations are adopted for the future use of State-
23 owned water supply lands identified in the Plan which do not require
24 their use for water supply purposes within 10 years, these lands may
25 be used in the interim for the protection of natural resources, and may
26 be used for open space recreational purposes to the extent that such
27 these do no impair natural resources protection. The use of these lands
28 for non-water supply purposes must not impair the planned water
29 supply use in any material way. No permanent structures or extensive
30 impervious surfaces will be allowed within any lands that would be
31 directly used for water supply purposes. Active recreation will be
32 allowed only outside the perimeter of any proposed water supply
33 facilities. Passive recreation may be allowed within the perimeter of
34 any proposed water supply facility, and agricultural uses will be
35 allowed in the most suitable sites based on soils, water quality
36 protection and site configuration and shall be sited in a manner that
37 protects the agricultural uses from significant interference and damage
38 from recreational uses.

39 (4) If recommendations are adopted for the future use of State-
40 owned lands identified in the Plan which do not require their use for
41 water supply purposes, the Commissioner of DEP would have the
42 discretion to determine appropriate non-water supply uses of these
43 lands, subsequent to the approval by the DEP of the Site Master Plan.

44 Any county or municipal government which maintains an adjoining
45 parcel of preserved open space may request the DEP to include those
46 lands within the Site Master Plan. The DEP must grant the request

1 unless the county or municipal lands are more than 25 percent of the
2 total land area and funds are not available for their inclusion.

3 The Site Master Plan must include a general site layout showing
4 lands allocated for natural resource preservation, active and passive
5 recreational facilities, identification of proposed agricultural lands, a
6 general design of active recreational facilities, and the identification of
7 land management practices that will restore ecosystem values and
8 prevent water quality and quantity damages from the proposed
9 recreational and agricultural land uses.

10 In developing the Site Master Plan, the DEP must consult with an
11 advisory committee of the Water Supply Advisory Council, which
12 would represent county and municipal governments, water supply
13 utilities, environmental interests, recreational interests and agricultural
14 interests that are or likely would be significantly impacted by the Site
15 Master Plan.

16 State-owned water supply lands identified in the Plan which are not
17 required for water supply purposes may be reallocated only if the
18 provisions of any appropriations act authorizing the use of bond funds
19 for the acquisition of these lands have been satisfied, including
20 repayment of the bonds using general revenues or other bonds of the
21 State, as appropriate. The lands must remain under State ownership
22 and would be managed by the DEP. The DEP may engage in
23 cooperative management of these lands with county or municipal
24 governments.

25 The DEP may provide long-term leases of 10 years for water supply
26 lands identified within the Site Master Plan for agricultural purposes,
27 provided that all agricultural land management practices in the Site
28 Master Plan are adhered to by the agricultural leaseholders, and that
29 the leases are to be terminated upon a determination by the DEP to
30 proceed with construction of the water supply facility affecting the
31 lands.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2070

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 16, 2003

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2070.

As amended, this bill requires the Department of Environmental Protection (DEP) to develop a Site Master Plan for the Six Mile Run Reservoir site and other State-owned lands purchased, but not currently used for, water supply purposes, and appropriates \$90,000 to the DEP for the costs thereof. The DEP must develop the Site Master Plan within 18 months of the bill's effective date.

The bill requires the DEP to include identification of lands purchased by the State for water supply facilities that currently are not actively used for water supply purposes, including the Six Mile Run Reservoir Site, with recommendations as to the future use of these lands for water supply purposes within the New Jersey Statewide Water Supply Plan. The bill requires the DEP to prepare and adopt appropriate revisions and updates to the current New Jersey Statewide Water Supply Plan within 180 days of the bill's effective date.

In revising and updating the New Jersey Statewide Water Supply Plan, the DEP must comply with the following requirements:

(1) Priority consideration must be accorded to recommendations for the future use of State-owned water supply lands identified in the Plan which require their use for water supply purposes;

(2) If recommendations are adopted for the future use of State-owned water supply lands identified in the plan which do not require their use for water supply purposes, these lands may be reallocated to non-water supply purposes. Any reallocated lands must be dedicated to the protection of natural resources, ecosystem improvement, natural ground water recharge, and agricultural purposes that are compatible with natural resource protection. The lands may be used for open space recreational purposes to the extent that these uses do not impair natural resources protection. Permanent structures and other impervious cover may only constitute less than two percent of the total land area in all cases;

(3) If recommendations are adopted for the future use of State-

owned water supply lands identified in the plan which do not require their use for water supply purposes within 10 years, these lands may be used in the interim for the protection of natural resources, and may be used for open space recreational purposes to the extent that such these do no impair natural resources protection. The use of these lands for non-water supply purposes must not impair the planned water supply use in any material way. No permanent structures or extensive impervious surfaces will be allowed within any lands that would be directly used for water supply purposes. Active recreation will be allowed only outside the perimeter of any proposed water supply facilities. Passive recreation may be allowed within the perimeter of any proposed water supply facility, and agricultural uses will be allowed in the most suitable sites based on soils, water quality protection and site configuration and shall be sited in a manner that protects the agricultural uses from significant interference and damage from recreational uses; and

(4) If recommendations are adopted for the future use of State-owned lands identified in the plan which do not require their use for water supply purposes, the DEP Commissioner would have the discretion to determine appropriate non-water supply uses of these lands, subsequent to the approval by the DEP of the Site Master Plan.

The bill provides that a county or municipal government which maintains an adjoining parcel of preserved open space may request the DEP to include those lands within the Site Master Plan. The DEP must grant the request unless the county or municipal lands are more than 25 percent of the total land area and funds are not available for their inclusion.

Under the bill, the Site Master Plan must include a general site layout showing lands allocated for natural resource preservation, active and passive recreational facilities, identification of proposed agricultural lands, a general design of active recreational facilities, and the identification of land management practices that will restore ecosystem values and prevent water quality and quantity damages from the proposed recreational and agricultural land uses.

In addition, in developing the Site Master Plan, the DEP must consult with an advisory committee of the Water Supply Advisory Council, which would represent county and municipal governments, water supply utilities, environmental interests, recreational interests and agricultural interests that are or likely would be significantly impacted by the Site Master Plan.

The bill provides that State-owned water supply lands identified in the plan which are not required for water supply purposes may be reallocated only if the provisions of any appropriations act authorizing the use of bond funds for the acquisition of these lands have been satisfied, including repayment of the bonds using general revenues or other bonds of the State, as appropriate. The lands must remain under State ownership and would be managed by the DEP. The DEP may engage in cooperative management of these lands with county or

municipal governments and other State agencies.

Under the bill, as amended, the DEP, in consultation with the Department of Agriculture, shall provide long-term leases of 10 years for water supply lands identified within the Site Master Plan for agricultural purposes, provided that all agricultural land management practices in the Site Master Plan are adhered to by the agricultural leaseholders, and that the leases are to be terminated upon a determination by the DEP to proceed with construction of the water supply facility affecting the lands.

Lastly, the bill appropriates \$90,000 from the General Fund to the DEP for the development of the Site Master Plan required by the bill.

COMMITTEE AMENDMENTS

Committee amendments to the bill:

(1) clarify in section 2 that sites acquired by the State for the construction and operation of water supply facilities shall be maintained in State ownership in perpetuity, and if not used for water supply purposes, in whole or in part, shall be used for protection of natural resources, agricultural purposes that are compatible with natural resource protection, and for certain open space recreational purposes;

(2) specify in subsection e. of section 6 that the DEP may engage in cooperative management of these specified lands with other State agencies;

(3) specify in subsection f. of section 6 that the DEP, in consultation with the Department of Agriculture, shall provide long-term leases of 10 years for lands identified within the Site Master Plan for agricultural purposes; and

(4) make a technical amendment to the bill to delete a codification reference.