

**Legislative History Checklist**  
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**Synopsis:** Prohibits permit requirements for dam repairs on agricultural land in Pinelands.

**Bill No.:** S2306

**P.L.** 1996, c. 402

*Identical to:* A3290  
*Substituted for:* A3290  
*Combined with:*  
*Last Session Bill No.:*

*See Above Bill(s) for Additional History*

**NJSA:** 68:4-1 et al.  
68:18A-55.7

**Sponsor(s):** Haines/Cafiero

**Date Introduced:** 10/19/95

**Committee Reference:**

**Statement:**

**Public Hearing:**

***Assembly:***

Environment and Energy  
Appropriations

No  
Yes

No  
No

***Senate:***

Sr. Cit., Veterans and Agriculture

Yes

No

**Sponsor Statement:** Yes

**Fiscal Note:** No

**Dates of Passage:**

***Assembly:***

01/04/96 (72-6)

***Senate:***

12/11/95 (34-0)

**Amended During Passage:** Yes

**Governor's Action:**

**Veto:** No

**Date of Veto:**

**Date of Approval:** 01/10/96

**Message on Signing:** No

**Additional Information:**

P.L.1995, CHAPTER 402, approved January 10, 1996  
1995 Senate No. 2306 (First Reprint)

1 AN ACT concerning dam repairs, amending R.S.58:4-1 and  
2 supplementing P.L.1969, c.19 (C.58:16A-50 et al.).  
3

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

6 1. R.S.58:4-1 is amended to read as follows:  
7 58:4-1. a. No municipality, corporation or person shall,  
8 without the consent of the Commissioner of Environmental  
9 Protection, hereafter in this chapter designated as the  
10 commissioner, build any reservoir or construct any dam <sup>1</sup>, or  
11 repair, alter or improve existing dams<sup>1</sup> on any river or stream in  
12 this State or between this and any other such state which will  
13 raise the waters of such river or stream more than five feet  
14 above their usual mean low-water height <sup>1</sup> [, nor repair, alter or  
15 improve existing dams which so raise the water, without such  
16 consent, but this shall not affect or relate to a dam or reservoir]  
17 . No municipality, corporation or person shall, without the  
18 consent of the commissioner, build any reservoir or construct any  
19 dam, or repair, alter or improve existing dams<sup>1</sup> in the pinelands  
20 area, as designated by subsection a. of section 10 of P.L.1979,  
21 c.111 (C.13:18A-11), which will raise the waters of any river or  
22 stream <sup>1</sup> [less] more<sup>1</sup> than eight feet above the surface of the  
23 ground where the drainage area above the <sup>1</sup> [same] dam or  
24 reservoir<sup>1</sup> is <sup>1</sup> [less] more<sup>1</sup> than one square mile in extent and  
25 where the water surface created by the dam or reservoir is <sup>1</sup> [less]  
26 more<sup>1</sup> than 100 acres in extent <sup>1</sup> [, except that the] . The<sup>1</sup>  
27 commissioner may investigate and take appropriate action  
28 regarding any dam or reservoir about which he has a security or  
29 safety concern. With respect to dams and reservoirs located on  
30 lands utilized for agricultural or horticultural purposes within the  
31 pinelands area, the commissioner's actions shall be undertaken  
32 after consultation with the Secretary of Agriculture.  
33 b. The commissioner shall not require a permit for the repair  
34 of any dam <sup>1</sup> [located on lands] <sup>1</sup> used for <sup>1</sup> [horticultural or]  
35 agricultural purposes within <sup>1</sup> a special agricultural production  
36 area designated pursuant to N.J.A.C.7:50-5.14 in<sup>1</sup> the pinelands  
37 area.  
38 (cf: P.L.1985, c.33, s.1)  
39 2. (New section) The Commissioner of Environmental  
40 Protection shall not require a permit for the repair of any dam  
41 <sup>1</sup> [on lands] <sup>1</sup> used for <sup>1</sup> [horticultural or] <sup>1</sup> agricultural purposes  
42 within <sup>1</sup> a special agricultural production area designated pursuant

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.

Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup> Senate SSV committee amendments adopted November 27, 1995.

S2306 [1R]

2

1 to N.J.A.C.7:50-6.14 in<sup>1</sup> the pinelands area.  
2 3. This act shall take effect immediately.

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7 Prohibits permit requirements for dam repairs on agricultural  
8 land in Pinelands.

SENATE, No. 2306  
STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1995

By Senators HAINES and CAFIERO

1 AN ACT concerning dam repairs, amending R.S.58:4-1 and  
2 supplementing P.L.1989, c.19 (C.58:16A-50 et al.).

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

6 1. R.S.58:4-1 is amended to read as follows:

7 58:4-1. a. No municipality, corporation or person shall  
8 without the consent of the Commissioner of Environmental  
9 Protection, hereafter in this chapter designated as the  
10 commissioner, build any reservoir or construct any dam on any  
11 river or stream in this State or between this and any other such  
12 state which will raise the waters of such river or stream more  
13 than five feet above their usual mean low-water height, nor  
14 repair, alter or improve existing dams which so raise the water,  
15 without such consent, but this shall not affect or relate to a dam  
16 or reservoir in the pinelands area, as designated by subsection a.  
17 of section 10 of P.L.1979, c.111 (C.13:18A-11), which will raise  
18 the waters of any river or stream less than eight feet above the  
19 surface of the ground where the drainage area above the same is  
20 less than one square mile in extent and where the water surface  
21 created by the dam or reservoir is less than 100 acres in extent,  
22 except that the commissioner may investigate and take  
23 appropriate action regarding any dam or reservoir about which he  
24 has a security or safety concern. With respect to dams and  
25 reservoirs located on lands utilized for agricultural or  
26 horticultural purposes within the pinelands area, the  
27 commissioner's actions shall be undertaken after consultation  
28 with the Secretary of Agriculture.

29 b. The commissioner shall not require a permit for the repair  
30 of any dam located on lands used for horticultural or agricultural  
31 purposes within the pinelands area.

32 (cf: P.L.1988, c.33, s.1)

33 2. (New section) The Commissioner of Environmental  
34 Protection shall not require a permit for the repair of any dam on  
35 lands used for horticultural or agricultural purposes within the  
36 pinelands area.

37 3. This act shall take effect immediately.

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STATEMENT

41 This act would amend the dam construction provisions of  
42 chapter 4 of Title 58 of the Revised Statutes and supplement the

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S2306

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1 "Flood Hazard Area Control Act," P.L.1962, c.19 (58:16A-50 et  
2 al.) to prohibit Commissioner of Environmental Protection from  
3 requiring a permit for the repair of any dam on land used for  
4 horticultural or agricultural purposes in the pinelands area.  
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8  
9 Prohibits permit requirements for dam repairs on agricultural  
10 land in Pinelands.

[FIRST REPRINT]  
SENATE, No. 2306

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1995

By Senators HAINES and CAFIERO

1 AN ACT concerning dam repairs, amending R.S.58:4-1 and  
2 supplementing P.L.1989, c.19 (C.58:16A-50 et al.).  
3

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

6 1. R.S.58:4-1 is amended to read as follows:  
7 58:4-1. a. No municipality, corporation or person shall,  
8 without the consent of the Commissioner of Environmental  
9 Protection, hereafter in this chapter designated as the  
10 commissioner, build any reservoir or construct any dam<sup>1</sup>, or  
11 repair, alter or improve existing dams<sup>1</sup> on any river or stream in  
12 this State or between this and any other such state which will  
13 raise the waters of such river or stream more than five feet  
14 above their usual mean low-water height <sup>1</sup>[, nor repair, alter or  
15 improve existing dams which so raise the water, without such  
16 consent, but this shall not affect or relate to a dam or reservoir]  
17 No municipality, corporation or person shall, without the  
18 consent of the commissioner, build any reservoir or construct any  
19 dam, or repair, alter or improve existing dams<sup>1</sup> in the pinelands  
20 area, as designated by subsection a. of section 10 of P.L.1979,  
21 c.111 (C.13:18A-11), which will raise the waters of any river or  
22 stream <sup>1</sup>[less] more<sup>1</sup> than eight feet above the surface of the  
23 ground where the drainage area above the <sup>1</sup>[same] dam or  
24 reservoir<sup>1</sup> is <sup>1</sup>[less] more<sup>1</sup> than one square mile in extent and  
25 where the water surface created by the dam or reservoir is <sup>1</sup>[less]  
26 more<sup>1</sup> than 100 acres in extent <sup>1</sup>[, except that the] The<sup>1</sup>  
27 commissioner may investigate and take appropriate action  
28 regarding any dam or reservoir about which he has a security or  
29 safety concern. With respect to dams and reservoirs located on  
30 lands utilized for agricultural or horticultural purposes within the  
31 pinelands area, the commissioner's actions shall be undertaken  
32 after consultation with the Secretary of Agriculture.

33 b. The commissioner shall not require a permit for the repair  
34 of any dam <sup>1</sup>[located on lands]<sup>1</sup> used for <sup>1</sup>[horticultural or]<sup>1</sup>  
35 agricultural purposes within <sup>1</sup>a special agricultural production  
36 area designated pursuant to N.J.A.C.7:50-5.14 in<sup>1</sup> the pinelands  
37 area.

38 (cf: P.L.1986, c.33, s.1)

39 2. (New section) The Commissioner of Environmental  
40 Protection shall not require a permit for the repair of any dam  
41 <sup>1</sup>[on lands]<sup>1</sup> used for <sup>1</sup>[horticultural or]<sup>1</sup> agricultural purposes  
42 within <sup>1</sup>a special agricultural production area designated pursuant

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.  
Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup> Senate SSV committee amendments adopted November 27, 1995.

S2306 [1R]

2

1 to N.J.A.C.7:50-5.14 in<sup>1</sup> the pinelands area.  
2 3. This act shall take effect immediately.

3

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7 Prohibits permit requirements for dam repairs on agricultural  
8 land in Pinelands.

**SENATE SENIOR CITIZENS, VETERANS AFFAIRS  
AND AGRICULTURE COMMITTEE**

**STATEMENT TO**

**SENATE, No. 2306**

**STATE OF NEW JERSEY**

**DATED: NOVEMBER 27, 1995**

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Senate Bill No. 2306 with committee amendments.

This bill, as amended, would amend the dam construction provisions of chapter 4 of Title 58 of the Revised Statutes and supplement the "Flood Hazard Area Control Act," P.L.1982, c.19 (58:16A-50 et al.) to prohibit the Commissioner of Environmental Protection from requiring a permit for the repair of any dam used for agricultural purposes in areas of the pinelands that are designated special agricultural production areas.

The committee amended the bill to limit its provisions to dams used for agricultural purposes within areas of the pinelands that are designated special agricultural production areas pursuant to N.J.A.C.7:50-5.14. The amendments would also clarify the language in the existing law with regard to permit requirements for all other dams, without making substantive changes.



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TR XXXX 013

SENATE SSV COMMITTEE

ADOPTED

NOV 27 1995

AMENDMENTS

to

Senate, No. 2306

(Sponsored by Senators Haines and Cafiero)

REPLACE SECTION 1 TO READ:

1. R.S.58:4-1 is amended to read as follows:

58:4-1. a. No municipality, corporation or person shall, without the consent of the Commissioner of Environmental Protection, hereafter in this chapter designated as the commissioner, build any reservoir or construct any dam <sup>1</sup>, or repair, alter or improve existing dams<sup>1</sup> on any river or stream in this State or between this and any other such state which will raise the waters of such river or stream more than five feet above their usual mean low-water height <sup>1</sup>[, nor repair, alter or improve existing dams which so raise the water, without such consent, but this shall not affect or relate to a dam or reservoir].

No municipality, corporation or person shall, without the consent of the commissioner, build any reservoir or construct any dam, or repair, alter or improve existing dams<sup>1</sup> in the pinelands area, as designated by subsection a. of section 10 of P.L.1979, c.111 (C.13:18A-11), which will raise the waters of any river or stream <sup>1</sup>[less] more<sup>1</sup> than eight feet above the surface of the ground where the drainage area above the <sup>1</sup>[same] dam or reservoir<sup>1</sup> is <sup>1</sup>[less] more<sup>1</sup> than one square mile in extent and where the water surface created by the dam or reservoir is <sup>1</sup>[less] more<sup>1</sup> than 100 acres in extent <sup>1</sup>]. except that the] The<sup>1</sup> commissioner may investigate and take appropriate action regarding any dam or reservoir about which he has a security or safety concern. With respect to dams and reservoirs located on lands utilized for agricultural or horticultural purposes within the pinelands area, the commissioner's actions shall be undertaken after consultation with the Secretary of Agriculture.

b. The commissioner shall not require a permit for the repair of any dam <sup>1</sup>[located on lands]<sup>1</sup> used for <sup>1</sup>[horticultural or]<sup>1</sup> agricultural purposes within <sup>1</sup>a special agricultural production area designated pursuant to N.J.A.C.7:50-5.14 in<sup>1</sup> the pinelands area.

(cf: P.L.1986, c.33, s.1)

REPLACE SECTION 2 TO READ:

2. (New section) The Commissioner of Environmental Protection shall not require a permit for the repair of any dam <sup>1</sup>[on lands]<sup>1</sup> used for <sup>1</sup>[horticultural or]<sup>1</sup> agricultural purposes within <sup>1</sup>a special agricultural production area designated pursuant to N.J.A.C.7:50-5.14 in<sup>1</sup> the pinelands area.

**ASSEMBLY APPROPRIATIONS COMMITTEE**

**STATEMENT TO  
(FIRST REPRINT)  
SENATE, No. 2306**

**STATE OF NEW JERSEY**

**DATED: DECEMBER 21, 1995**

The Assembly Appropriations Committee reports favorably Senate Bill No. 2306 (1R).

Senate Bill No. 2306 (1R) amends the dam construction provisions of chapter 4 of Title 58 of the Revised Statutes and supplement the "Flood Hazard Area Control Act," P.L.1982, c.19 (58:16A-50 et al.) to prohibit the Commissioner of Environmental Protection from requiring a permit for the repair of a dam used for agricultural purposes in areas of the pinelands that are designated special agricultural production areas.

As reported by this committee, this bill is identical to A-3290 as reported by this committee.

**FISCAL IMPACT:**

This bill was not certified as requiring a fiscal note. The bill affects the regulation and timing of repairs to dams used for agricultural purposes in areas of the pinelands that are designated special agricultural production areas, and does not impact State revenues.