

13:9A-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:9A-4

(Coastal wetlands - alternating - notice - requirements)

LAWS OF: 1983

CHAPTER: 133

Bill No: A884

Sponsor(s): Bennett, Muhler and Lesniak

Date Introduced: Agriculture and Environment

Committee: Assembly: Energy and Environment

Senate: ///

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: Sept. 20, 1982

Senate: Feb. 24, 1983

Date of Approval: April 13, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// yes ~~No~~

Following were printed:

Reports: /// No

Hearings: /// No

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ASSEMBLY, No. 884

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblyman BENNETT, Assemblywoman MUHLER and
Assemblyman LESNIAK

Referred to Committee on Agriculture and Environment

AN ACT concerning wetlands permit notification requirements and
amending P. L. 1970, c. 272.

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

1 ***[**1. Section 3 of P. L. 1970, c. 272 (C. 13:9A-3) is amended to
2 read as follows:

3 3. The commissioner shall, before adopting, amending, modi-
4 fying or repealing any such order, hold a public hearing thereon
5 in the county in which the coastal wetlands to be affected are
6 located, giving notice thereof to each owner **[**having a recorded
7 interest in such wetlands by mail at least 21 days prior thereto
8 addressed to his address as shown in the municipal tax office
9 records**]** *of all real property as shown on the current tax duplicate,*
10 *located in the State and within 200 feet in all directions of the*
11 *property which is the subject of such hearing in the manner pre-*
12 *scribed by section 7.1 of P. L. 1975, c. 291 (C. 40:55D-12) and by*
13 *publication thereof at least twice in each of the 3 weeks next*
14 *preceding the date of such hearing in a newspaper of general*
15 *circulation in the municipality or municipalities in which such*
16 *coastal wetlands are located.*

17 Upon the adoption of any such order or any order amending,
18 modifying or repealing the same, the commissioner shall cause a
19 copy thereof, together with a plan of the lands affected, including
20 reference to the filed wetlands map or maps on which the same are

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted July 1, 1982.

**—Senate committee amendment adopted December 16, 1982.

21 shown and a list of the owners of record of such lands, to be re-
 22 corded in the office of the county clerk or register of deeds, where
 23 it shall be indexed and filed as a judgment, and shall mail a copy
 24 of such order and plan to each owner of record of such lands
 25 affected thereby.]*

1 ***[2.]*** *1.* Section 4 of P. L. 1970, c. 272 (C. 13:9A-4) is amended
 2 to read as follows:

3 4. a. For purposes of this section "regulated activity" includes
 4 but is not limited to draining, dredging, excavation or removal of
 5 soil, mud, sand, gravel, aggregate of any kind or depositing or
 6 dumping therein any rubbish or similar material or discharging
 7 therein liquid wastes, either directly or otherwise, and the erec-
 8 tion of structures, drivings of pilings, or placing of obstructions,
 9 whether or not changing the tidal ebb and flow. "Regulated activ-
 10 ity" shall not include continuance of commercial production of
 11 salt hay or other agricultural crops or activities conducted under
 12 section 7 of this act.

13 b. No regulated activity shall be conducted upon any wetland
 14 without a permit.

15 c. Any person proposing to conduct or cause to be conducted a
 16 regulated activity upon any wetland shall file an application for a
 17 permit with the commissioner, in such form and with such informa-
 18 tion as the commissioner may prescribe *and shall provide notice*
 19 ***to each electric or gas public utility in the State and** to each*
 20 *owner of all real property as shown on the current tax duplicate,*
 21 *located in the State and within 200 feet in all directions of the*
 21A *property which is the subject of such application in the man-*
 22 *ner prescribed by section 7.1 of P. L. 1975, c. 291 (C. 40:55D-12).*
 23 Such application shall include a detailed description of the pro-
 24 posed work and a map showing the area of wetland directly affected,
 25 with the location of the proposed work thereon, together with the
 26 names of the owners of record of adjacent land and known claim-
 27 ants of rights in or adjacent to the wetlands of whom the applicant
 28 has notice. All applications, with any maps and documents relating
 29 thereto, shall be open for inspection at the office of the Department
 30 of Environmental Protection.

31 d. In granting, denying or limiting any permit the commissioner
 32 shall consider the effect of the proposed work with reference to
 33 the public health and welfare, marine fisheries, shell fisheries, wild-
 34 life, the protection of life and property from flood, hurricane and
 35 other natural disasters, and the public policy set forth in section
 36 1. a. of this act.

1 ***[3.]*** *2.* This act shall take effect immediately.

ASSEMBLY, No. 884

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

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Assemblyman LESNIAK

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7 interest in such wetlands by mail at least 21 days prior thereto
8 addressed to his address as shown in the municipal tax office
9 records] of all real property as shown on the current tax duplicate,
10 located in the State and within 200 feet in all directions of the
11 property which is the subject of such hearing in the manner pre-
12 scribed by section 7.1 of P. L. 1975, c. 291 (C. 40:55D-12) and by
13 publication thereof at least twice in each of the 3 weeks next
14 preceding the date of such hearing in a newspaper of general
15 circulation in the municipality or municipalities in which such
16 coastal wetlands are located.

17 Upon the adoption of any such order or any order amending,
18 modifying or repealing the same, the commissioner shall cause a
19 copy thereof, together with a plan of the lands affected, including
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22 corded in the office of the county clerk or register of deeds, where
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24 of such order and plan to each owner of record of such lands
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16 regulated activity upon any wetland shall file an application for a
17 permit with the commissioner, in such form and with such informa-
18 tion as the commissioner may prescribe *and shall provide notice*
19 *to each owner of all real property as shown on the current tax*
20 *duplicate, located in the State and within 200 feet in all directions*
21 *of the property which is the subject of such application in the man-*
22 *ner prescribed by section 7.1 of P. L. 1975, c. 291 (C. 40:55D-12).*
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33 the public health and welfare, marine fisheries, shell fisheries, wild-
34 life, the protection of life and property from flood, hurricane and
35 other natural disasters, and the public policy set forth in section
36 1. a. of this act.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to require that any action concerning the dredging, filling or otherwise altering of coastal wetlands is subject to the same notification requirements as are required for development applications or public hearings by the "Municipal Land Use Law," P. L. 1975, c. 291. That law requires the notification of each owner of all real property within 200 feet of the property where the development would occur.

Currently, the Commissioner of Environmental Protection is required to hold a public hearing before taking any action concerning wetlands development and is required to notify owners of the property directly affected but not owners of adjacent land. Any person wishing to conduct a "regulated activity" (dredging, filling, excavating, etc.) on wetlands must apply to the commissioner for a permit. The permit application must include a detailed description of the proposed project and the names of owners of land adjacent to the proposed project. The application is open for public inspection at the office of the Department of Environmental Protection but the owners of adjacent land are not notified by mail.

Since owners of adjacent land may be affected by wetlands projects, this bill requires the commissioner or an applicant for a permit to provide notice to the owners of property within 200 feet of the proposed project in the same manner as prescribed in the "Municipal Land Use Law" for development applications and public hearings.

A 884(1982)

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 884

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JULY 1, 1982

The purpose of this bill is to require that any action concerning the dredging, filling or otherwise altering of coastal wetlands is subject to the same notification requirements as are required for development applications or public hearings by the "Municipal Land Use Law," P. L. 1975, c. 291. That law requires the notification of each owner of all real property within 200 feet of the property where the development would occur.

Currently, the Commissioner of Environmental Protection is required to hold a public hearing before taking any action concerning wetlands development and is required to notify owners of the property directly affected but not owners of adjacent land. Any person wishing to conduct a "regulated activity" (dredging, filling, excavating, etc.) on wetlands must apply to the commissioner for a permit. The permit application must include a detailed description of the proposed project and the names of owners of land adjacent to the proposed project. The application is open for public inspection at the office of the Department of Environmental Protection but the owners of adjacent land are not notified by mail.

Since owners of adjacent land may be affected by wetlands projects, this bill requires the commissioner or an applicant for a permit to provide notice to the owners of property within 200 feet of the proposed project in the same manner as prescribed in the "Municipal Land Use Law" for development applications and public hearings.

The Assembly Agriculture and Environment Committee amended the bill to delete section 1 to make it clear that only the person applying for a permit to conduct a "regulated activity", and not the Commissioner of Environmental Protection, shall be required to provide notice.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 884

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1982

Assembly Bill No. 884 OCR provides that any person proposing to begin any "regulated activity" in a wetland shall, in addition to filing an application for a permit with the Department of Environmental Protection, give 10 days' notice to each owner of real property located in the State and within 200 feet of the property where the regulated activity will be conducted. This notification requirement is identical to that prescribed by the "Municipal Land Use Law," P. L. 1975, c. 291. "Regulated activities" include training, dredging, excavation or dumping activities.

The committee amended Assembly Bill No. 884 OCR to provide that persons applying for a permit to engage in a regulated activity shall, in addition to notifying owners of contiguous land, notify each public electric or gas utility in the State. Utilities often have easements on land which are not recorded on the tax records, and would need to be informed of regulated activities to insure that any facilities they might have on affected property will not be disturbed.

APRIL 13, 1983

A-884, sponsored by Assemblyman John O. Bennet, R-Monmouth, which requires that any action concerning wetlands development be subject to the same notification procedures contained in the Municipal Land Use Law. Thus, all owners of property within 200 feet of the property to be altered would be required to have at least 10 days notice of the public hearing on the intended development.

S-1374, sponsored by state Senate President Carmen A. Orechio, D-Essex, which permits retired members of the New Jersey National Guard to obtain special motor vehicle license plates, provided they were honorably discharged.

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