

“HOT TOPICS” FOR FUTURE OTPLA RULEMAKING

- Are process changes/improvements needed for the following?
 - Recreation and Open Space Inventory amendments (N.J.A.C. 7:36-25.3)
 - The “Change in Use” procedure (N.J.A.C. 7:36-25.5)
 - Notice requirements for public hearings
- What considerations should govern whether, and in what circumstances, NJDEP should allow the following types of uses on parkland:
 - Restaurants/Food Service Vendors
 - Limit to certain types of venues such as marinas and golf courses?
 - When are these uses amenities as opposed to operation of commercial businesses on parkland?
 - Event Space (particularly for weddings, but also indoor event spaces)
 - Overnight parking
 - Flood control facilities
 - Green infrastructure
- Leasing of Parkland
 - How can NJDEP improve its oversight of the leasing of parkland, while protecting the public interest and natural resources?
 - Are changes needed to NJDEP oversight of farm leases on parkland?
 - CSAs (community supported agriculture)
 - Greenhouses
 - How can NJDEP better articulate the criteria for use of historic buildings on parkland?
 - Bond counsel review requirements for leases of bond-funded parkland by commercial entities
- Active Recreation—Do changes need to be made to the rules governing the following subjects:
 - Non-resident user fees for funded parkland
 - Scheduling of athletic fields on funded parkland
- Hunting--Although hunting is not required on Green Acres encumbered parkland, where it is allowed, how can OTPLA ensure that hunting privileges are administered fairly?
- Small Scale Solar Projects on Parkland—Should NJDEP allow small scale solar projects on parkland to support the State’s clean energy goals and provide revenue for park maintenance?

- Forestry
 - What constitutes “forestry” on parkland?
 - Should forest stewardship plans be required when forestry management is undertaken on parkland (as opposed to woodland management plans or other types of plans)?
 - How to address tree removal by utilities?
 - Tree compensation requirements for disposals, diversions and temporary use of parkland
- How can NJDEP Improve the Diversion/Disposal Application Process?
 - Are there categories of minor disposals/diversions that would be appropriate for administrative approval by NJDEP staff where certain pre-established conditions are met (through delegation/preapproval from the NJDEP Commissioner and the State House Commission)?
 - Do the definitions of “Compelling Public Need” and “Significant Public Benefit” need to be revised?
 - Are there changes that could make the application process shorter and more efficient without compromising our substantive review and standards for disposal/diversion applications?
 - Should any changes to the compensation requirements be considered?
- Other Subjects Likely to be Addressed in the Rulemaking:
 - Implementation of the penalty authority granted to NJDEP as part of the reauthorization of the Preserve NJ Act (N.J.S.A. 13:8C-53.1)
 - Conservation Restriction Releases – Requirements and Procedures for Obtaining the Commissioner’s Approval under the NJ Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 through -9
 - Miscellaneous Changes: new office name and address changes; typos from 2005 Rules
- WHAT OTHER SUGGESTIONS DO YOU HAVE FOR US?