**Friends of Liberty State Park**

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**NJ Senate Environment and Energy Committee                                                                    Regarding 12/8/14 Public Hearing on the Enabling Legislation for Ballot Measure 2**12/7/14

Dear Chairman Senator Bob Smith and all Committee members,

We thank you for starting your crucial work on the enabling legislation for the constitutional amendment of ballot measure 2 - which was a wolf in sheep’s clothing with its pernicious, severely harmful impact on Liberty State Park (LSP), the urban waterfront open space green oasis behind Lady Liberty and Ellis Island and one of NJ’s and our nation’s most priceless public spaces, and the disastrous impact on all state parks.

We strongly urge you to REQUIRE official testimony on the enabling legislation from NJDEP Commissioner Bob Martin, Assistant Commissioner Rich Boornazian, and from Director Mark Texel of the NJ State Park Service. Their testimony is essential for you to hear the devastating impact of #2 and to hear their suggestions to rectify it.

As the amendment reads, state parks will lose all its lease and concession funds - one fourth of LSP’s annual budget, approximately $800,000, generated by the marina and two restaurant  leases and the Statue Cruises ferry concession funds - needed for operations and maintenance - will be STOLEN, most likely to purchase open space in rural areas. The amendment destructively ends the guaranteed, dedicated funds for state parks, which was $16 million this past year, and would force the DEP’s State Park Service to stand in line and beg for open space funds each year. We urge you to reverse the major flaws of the constitutional amendment and provide at least $16 million for parks in the coming year and more each year – with the backlog of $400 million in capital improvements needed. We urge you to structure the enabling legislation to allow all parks to have a dedicated stable source of funding by keeping funds from lease, concessions, permits, etc. generated inside these parks. We will provide three recommendations in this letter.

We urge your leadership to rectify the injustice done especially to LSP and urban areas by the flaws in the constitutional amendment, which amounts to a flagrant case of ENVIRONMENTAL INJUSTICE for the quality of life of the urban residents who use LSP as a peaceful recreation resource, a sanctuary from densely populated Hudson and nearby urban counties, and also it is a flagrant assault on this unique NJ resource, visited annually by over 5 million people from around NJ, our nation and the world. LSP, “The People’s Park” features a 1.5 mile promenade with spectacular views of the Manhattan skyline and NY harbor, large lawns, gardens, picnic areas and playgrounds, paths and nature  habitat, ferries to Lady Liberty/Ellis Island, Liberty Science Center, the historic Central Railroad of NJ Terminal; Nature Interpretive Center; NJ’s Empty Sky 9/11 Memorial and the 9/11 Grove of Remembrance.  Liberty State Park is the cornerstone of an economic tourism industry for northeast New Jersey and Hudson County.

This amendment is a major threat, jeopardizing the future of LSP and all state parks. The sustainability, operations and future improvement of Liberty State Park, as well as all state parks, forests, recreation areas, historic sites and wildlife management areas are at stake. The Friends of Liberty State Park, a 501(c)(3)  non-profit, all-volunteer, 26 year old organization is also an Officially Recognized Friends Organization of the NJDEP’s Division of Parks and Forestry. Our 800 members are mostly from Hudson County but also live throughout the state. We have joined many local and statewide organizations to advocate for LSP and fight against many battles against park commercialization and privatization. This amendment would be devastating to LSP and we urge you to do the right thing and reverse the injustices and make changes to save and improve LSP and all state parks for the benefit of the urban areas of our state where most of our population lives and needs open space parks and the benefit of visitors from everywhere.

***Below are the flaws with the constitutional amendment as it relates to LSP and all the state parks, forests, historic sites, and wildlife areas. Our recommendations follow.***

 The amendment takes all**Corporate Business Tax (CBT) funding that was previously designated to DEP for the capital maintenance and improvement of state parks, forests, recreation areas, historic sites and wildlife management areas and turns it over to Green Acres** to make available for the acquisition, development and stewardship of parkland and open space throughout the state.  This change takes away $16 million annually of needed capital funds that go toward large scale capital projects in our state’s most precious recreational, natural, historic and cultural resources. In this new paradigm under the amendment, the state DEP will need to compete for the capital funding against counties, municipalities and non-profit organizations for Green Acres funding. It must be noted that almost all New Jersey counties already have a dedicated tax revenue source for capital projects for parks in their communities.  CBT was the only dedicated source of funding supporting our state parks, forests, recreation areas, historic sites and wildlife management areas. LSP has been a recipient of these capital funds in the past and it is critical that the funding be there in the future. Some examples of the millions of dollars of CBT funds that have assisted Liberty State Park in the past 6 years include:

Construction of two new picnic pavilions, restroom and parking lot,

Replacement of the HVAC system in the maintenance complex,

Renovation to the historic CRRNJ Terminal Building,

Removal of 1000 foot long obsolete concrete wall and beautification of the area,

Improvement to the Park Office and Visitor Center, and

Replacement of a 1000 foot long section of the Hudson River Walkway and bulkhead that had previously caved into the water.

**In addition, the constitutional amendment reallocates money received from leases and other uses of State open space lands to pay for open space, farmland, and historic preservation throughout the state. This change will take away the lease and concession revenue that helps sustain the annual operating cost at Liberty State Park and deposits it into the Green Acres fund.**Leases at LSP, such as Liberty Landing Marina which includes two restaurants and ferry service to NYC, the Statue Cruises ferry services to the Statue of Liberty and Ellis Island, and other concessions that provide amenities to the public such as bicycle rentals and food vending will now be diverted. Instead of these revenue funds going directly into the operation of the park they will now go toward funding open space in other parts of the state. This diverted amount of funding equates to approximately $700,000 – 850,000 annually or approximately 20-25% of the Liberty State Park’s operating budget. These funds help sustain the park operations and pay for things such as the park’s electric, gas and water bills, repairs and upkeep of public restrooms, salaries of seasonal employees that assist with gardening, trash removal, snow clearing, landscaping and visitor services, equipment for the popular eco-kayak program, and maintenance of the grounds and buildings.

***The following are recommendations for enabling legislation that will hopefully fix these inequities to our state parks, forests, recreation areas, historic sites and wildlife management areas.***

**Recommendation #1:**

**Dedicate 23% annually or no less than $16 million of the Corporate Business Tax to DEP’s capital improvement budget for state parks, forests, recreation areas, historic sites and wildlife management areas.**

**Justification:**

**23% of the total CBT funds represent approximately $16 million. This amount was previously dedicated to DEP’s capital improvement projects annually prior to the passing of Ballot Question #2. This funding will increase overtime as the tax increases. These funds will assist in the capital maintenance and improvements of the state’s most important public recreation, open space, historical and cultural resources that DEP is charged with the responsibility of maintaining.**

**Examples of projects that have benefited from CBT capital funding in the past include**:

new picnic pavilions at Liberty State Park,

new visitor center at Monmouth Battlefield State Park,

             bathroom renovations at the Brendan Byrne State Forest camground,

restoration of Waterloo Village,

new boat ramp at Assunpink Wildlife Management Area,

refurbishment and restoration of over 70 dams on state Fish and Wildlife properties,

restoration Ringwood Manor,

improvements to water quality on the state’s largest recreational lakes,

restoration of the historic fortification at Fort Mott State Park, and

capital improvements of Batsto Mansion in Wharton State Forest.

**Recommendation #2:**

**Allow the DEP to hold onto *ALL* revenue collected from leases, concessions, permits and all other revenue from regulated fees and services derived from state parks, forests, recreation areas and historic sites. Direct the DEP to establish individual revolving financial accounts for each state park, forest, recreation area and historic site unit at its discretion. All fees collected from each park unit should be deposited into the unit’s established revolving account and such funds should support the annual operations of each park unit.**

**Justification**

**Currently revenue collected from these sources is returned to the state’s general treasury from the DEP. The establishment of revolving accounts and reallocation of the revenue sources would be an important step in establishing a stable source of funding for the operations of each state park, forest, recreation area and historic site. Examples of fees collected would come from:**

camping and cabin rentals, parks entrance fees, mobile sports fishing permits,

boat launch permits, picnic facility rentals, parking passes, leases, concessions,

special use permits, and services provided by state park staff.

This would allow the money generated at places like Liberty State Park, Island Beach, Waterloo Village and Ringwood State Park to stay in those parks to assist in the operations of those parks and therefore be less reliant on annual state budget appropriations.

**Recommendation #3**

**Require that the revenue generated from Liberty State Park’s parking lots be deposited into the Liberty State Park revolving account to help sustain the operation of the park instead of depositing those funds into the state’s general treasury.**

**Justification**

**Two large parking lots were developed by the state in the 1990’s to provide parking for ferry users to the Statue of Liberty and Liberty Science Center. These lots generate approximately $500,000 of net revenue annually. Unfortunately, this revenue goes back to state’s general treasury instead of the park operations. These should go toward sustaining Liberty State Park not into the coffers of the state.**

**In closing, we hope that the state legislature will make right the flaws of the constitutional amendment by passing legislation that will create equities to the funding system of our state’s precious state parks, forests, recreation areas, historic sites and wildlife management areas. We urge the legislature to take the opportunity to not just create a stable source of funding for Green Acres but to also help create a stable source of funding for our state assets by allowing them to keep the revenue generated at those facilities and to keep the $16 million annually for capital projects.**

**We again strongly urge you to require DEP officials to appear before your committee to discuss the impacts of this constitutional amendment so that there can be broad consensus in any pending enabling legislation.**

Sincerely,

Sam Pesin, president Friends of Liberty State Park PO Box 3407 Jersey City, NJ 07302

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