

13:18A-1 to 13:18A-28

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:18A-1 to 13:18A-28 ("Pinelands Protection Act")

LAWS OF 1979 CHAPTER 111

Bill No. S3091

Sponsor(s) Merlino and Yates

Date Introduced Feb. 13, 1979

Committee: Assembly Energy and Natural Resources

Senate Energy and Environment

Amended during passage Yes ~~xxx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 21, 1979

Senate May 21, 1979

Date of approval June 28, 1979

Following statements are attached if available:

Sponsor statement Yes ~~xxx~~

Committee Statement: Assembly Yes ~~xxx~~

Senate Yes ~~xxx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing Yes ~~xxx~~

Following were printed:

Reports Yes ~~xxx~~

Hearings Yes ~~xxx~~

974.90 New Jersey. Legislature.
R336 Senate. Energy and Environment
1979b Committee.
Public hearings held February
22, March 20, April 3 and April 17.
Braddock, NJ.
4v.

EJ 2/1/78

(over)

974.90 NJ Governor's Pinelands Review Committee:
R336 Planning and management of the
1978d New Jersey Pinelands: a draft report.
1978.

974.90 NJ Governor's Pinelands Review Committee.
R336 Planning and management of the
1979 New Jersey Pinelands. 1979.

See also (attached)

Brendan T. Byrne, Governor of New Jersey
Fifth annual message, January 9, 1979, p.10.

For background see:

974.90 Pinelands Environmental Council.
R336 Project review introduction. 1974.
1974f

974.90 Pinelands Environmental Council.
R336 Plan for the Pinelands. 1975.
1975j

[OFFICIAL COPY REPRINT]

SENATE, No. 3091

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1979

By Senators MERLINO and YATES

Referred to Committee on Energy and Environment

AN ACT concerning the development and use of land in the pinelands area, providing for the planning and management thereof, creating a Pinelands Commission, prescribing the jurisdiction, powers and duties thereof, supplementing Title 13 of the Revised Statutes, and repealing P. L. 1971, c. 417.

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

1 1. This act shall be known and may be cited as the "Pinelands
2 Protection Act."

1 2. The Legislature hereby finds and declares that the pinelands
2 area comprises pine-oak forests, cedar swamps, and extensive
3 surface and ground water resources of high quality which provide
4 a unique habitat for a wide diversity of rare, threatened and
5 endangered plant and animal species and contains many other
6 significant and unique natural, ecological, agricultural, scenic, cul-
7 tural and recreational resources; that the continued viability of
8 such area and resources is threatened by pressures for residential,
9 commercial and industrial development; that the protection of such
10 area and resources is in the interests of the people of this State
11 and of the Nation; that such protection will require the coordi-
12 nated efforts of all relevant municipal, county, State and Federal
13 agencies; that the Congress and President of the United States have
14 demonstrated a recognition of these facts through the enactment
15 of section 502 of the "National Parks and Recreation Act of 1978"
16 (PL 95-625); and, that it is now necessary to implement the afore-
17 cited Federal Act and insure the realization of pinelands protec-
18 tion through the establishment of a regional planning and
19 management commission empowered to prepare and oversee the
20 implementation of a comprehensive management plan for the pine-
21 lands area.

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

22 The Legislature further finds and declares that a certain portion
23 of the pinelands area is especially vulnerable to the environmental
24 degradation of surface and ground waters which would be occa-
25 sioned by the improper development or use thereof; that the degra-
26 dation of such waters would result in a severe adverse impact
27 upon the entire pinelands area; that it is necessary to designate
28 this portion as a preservation area, wherein more stringent re-
29 strictions on the development and use of land should be utilized
30 and public acquisition of land or interests therein ***[sould]***
31 **should** be concentrated; and, that in order to facilitate such
32 acquisition, and otherwise to effectuate the provisions of this act
33 and the Federal Act, it is further necessary to establish certain
34 notice requirements and procedures for the purchase of land or
35 interests therein in such area.

36 The Legislature further finds and declares that the current pace
37 of random and uncoordinated development and construction in the
38 pinelands area poses an immediate threat to the resources thereof,
39 especially to the survival of rare, threatened and endangered plant
40 and animal species **and the habitat thereof,** and to the mainte-
41 nance of the existing high quality of surface and ground waters;
42 that such development and construction increase the risk and
43 extent of destruction of life and property which could be caused
44 by the natural cycle of forest fires in this unique area; and, that,
45 in order to effectuate the purposes and provisions of this act and
46 the Federal Act, it is necessary to impose certain interim limita-
47 tions upon the local approval of applications for development in
48 the preservation area, and upon certain State and local approvals
49 in the pinelands area, all as hereinafter provided.

1 3. As used in this act:

2 **a. "Agricultural or horticultural purposes" or "agricultural*
3 *or horticultural use" means any production of plants or animals*
4 *useful to man, including but not limited to: forages or sod crops;*
5 *grains and feed crops; dairy animals and dairy products; poultry*
6 *and poultry products; livestock, including beef cattle, sheep, swine,*
7 *horses, ponies, mules or goats, and including the breeding and*
8 *grazing of any or all of such animals; bees and apiary products;*
9 *fur animals; trees and forest products; fruits of all kinds, including*
10 *grapes, nuts and berries; vegetables; nursery, floral, ornamental*
11 *and greenhouse products; or any land devoted to and meeting the*
12 *requirements and qualifications for payments or other compensa-*
13 *tion pursuant to a soil conservation program under an agency of*
14 *the Federal Government;**

15 ***[a.]*** *b.* “Application for development” means the applica-
 16 tion form and all accompanying documents required by municipal
 17 ordinance for approval of a subdivision plat, site plan, planned
 18 development, conditional use, zoning variance or other permit as
 19 provided in the “Municipal Land Use Law,” P. L. 1975, c. 291
 20 (C. 40:55D-1 et seq.), for any use, development or construction
 21 other than the improvement, expansion or reconstruction of any
 22 single-family dwelling unit or appurtenance thereto, or the im-
 23 provement, ***[addition]*** expansion*, *construction** or recon-
 24 struction of any structure used exclusively for agricultural or
 25 horticultural purposes;

26 ***[b.]*** *c.* “Commission” means the Pinelands Commission
 27 created by section 4 of this act;

28 ***[c.]*** *d.* “Comprehensive management plan” means the plan
 29 prepared and adopted by the commission pursuant to section 7
 30 of this act;

31 *e.* “Council” means the Pinelands Municipal Council created
 32 by section 6.1 of this act;*

33 ***[d.]*** *f.* “Federal Act” means section 502 of the “National
 34 Parks and Recreation Act of 1978” (PL 95-625);

35 ***[e.]*** *g.* “Major development” means any division or sub-
 36 division of land into five or more parcels; any construction or ex-
 37 pansion of any housing development of five or more dwelling units;
 38 any construction or expansion of any commercial or industrial
 39 use or structure on a site of more than 3 acres; or any grading,
 40 clearing or disturbance of any area in excess of 5,000 square feet
 41 for other than agricultural or horticultural purposes;

42 ***[f.]*** *h.* “Pinelands area” means that area so designated by
 43 subsection a. of section 10 of this act;

44 ***[g.]*** *i.* “Pinelands National Reserve” means the approxi-
 45 mately 1,000,000 acre area so designated by the Federal Act and
 46 generally depicted on the map entitled “Pinelands National Re-
 47 serve Boundary Map” numbered NPS/80,011A and dated Septem-
 48 ber, 1978;

49 ***[h.]*** *j.* “Preservation area” means that portion of the pine-
 50 lands area so designated by subsection b. of section 10 of this
 51 act***[.]*** *,*

52 *k.* “Protection area” means that portion of the pinelands area
 53 not included within the preservation area.*

1 4. a. There is hereby established a public body corporate and
 2 politic, with corporate succession, to be known as the “Pinelands
 3 Commission.” The commission shall constitute a political sub-
 4 division of the State established as an instrumentality exercising

5 public and essential governmental functions, and the exercise by
6 the commission of the powers and duties conferred by this act and
7 by the Federal Act shall be deemed and held to be an essential
8 governmental function of the State. For the purpose of complying
9 with the provisions of Article V, Section IV, paragraph 1 of the
10 New Jersey Constitution, the commission is hereby allocated
11 within the Department of Environmental Protection, but, notwith-
12 standing said allocation, the commission shall be independent of
13 any supervision or control by such department or by the commis-
14 sioner or any officer or employee thereof.

15 b. In addition to the powers and duties herein provided, the
16 Pinelands Commission shall constitute ***[**and exercise, as herein-
17 after provided, all the powers and duties of**]*** the planning entity
18 authorized in the Federal Act **and shall exercise all the powers*
19 *and duties as may be necessary in order to effectuate the purposes*
20 *and provisions thereof**.

21 **c. Any action taken prior to the effective date of this act by the*
22 *planning entity established pursuant to the Federal Act shall con-*
23 *tinue with full force and effect as an action of the commission*
24 *established hereunder.**

1 5. a. The commission shall consist of 15 members to be appointed
2 and qualified as follows:

3 (1) Seven residents of the State, appointed by the Governor*,
3A *with the advice and consent of the Senate, except as otherwise pro-*
3B *vided herein**;

4 (2) Seven residents of the State, one resident each of the
5 counties of Atlantic, Burlington, Camden, Cape May, Cumberland,
6 Gloucester and Ocean, appointed by the board of chosen freeholders
7 of each such county; provided, however, that in any county operat-
8 ing under the county executive plan or county supervisor plan
9 pursuant to the provisions of the "Optional County Charter Law"
10 P. L. 1972, c. 154 (C. 40:41A-1 et seq.), such appointment shall be
11 made by the county executive or the county supervisor, as the
12 case may be;

13 (3) One member to be appointed by the Secretary of the United
14 States Department of the Interior.

15 Any appointments made prior to the effective date of this act by
16 the Governor or by any of the respective counties to the planning
17 entity established pursuant to the Federal Act shall be considered
18 appointments made to the commission*, *and no such gubernatorial*
18A *appointment shall be subject to the advice and consent of the Sen-*
18B *ate*.*

19 b. Commission members shall serve for terms of 3 years; pro-
 20 vided, however, that of the first members appointed by the Gov-
 21 ernor, two shall serve 3 year terms, two shall serve 2 year terms
 22 and three shall serve 1 year terms; and provided further, however,
 23 that of the first members appointed by the respective counties,
 24 such members appointed from Atlantic and Burlington counties
 25 shall serve 1 year terms, such members appointed from Camden
 26 and Cape May counties shall serve 2 year terms, and such members
 27 appointed from Cumberland, Gloucester and Ocean counties shall
 28 serve 3 year terms. Each member shall serve for the term of his
 29 appointment and until his successor shall have been appointed and
 30 qualified. Any vacancy shall be filled in the same manner as the
 31 original appointment for the unexpired term only. The membership
 32 of the entire commission shall include residents of the pinelands
 33 area who represent economic activities, such as agriculture, in the
 34 area, as well as residents of the State who represent conservation
 35 interests.

36 c. Any member of the commission may be removed by the
 37 appointing authority, for cause, after a public hearing.

38 d. Each member of the commission, before entering upon his
 39 duties, shall take and subscribe an oath to perform the duties of
 40 his office faithfully, impartially, and justly to the best of his
 41 ability. A record of such oaths shall be filed in the Office of the
 42 Secretary of State.

43 e. The members of the commission shall serve without compensa-
 44 tion, but the commission may, within the limits of funds appro-
 45 priated or otherwise made available for such purposes, reimburse
 46 its members for necessary expenses incurred in the discharge of
 47 their official duties.

48 f. The powers of the commission shall be vested in the members
 49 thereof in office, and a majority of the total authorized membership
 50 of the commission shall be required to exercise its powers at any
 51 meeting thereof***[**, except as otherwise expressly provided by this
 52 act**]***. **No alternate or designee of any commission member shall*
 52A *exercise any power to vote on any matter pending before the com-*
 52B *mission.**

53 g. The Governor shall designate one of the members of the
 54 commission as chairman ***[and]***. *The commission** shall appoint
 55 an executive director, who shall be the chief administrative officer
 56 ***[of the commission]*** **thereof**. The executive director shall
 57 serve at the pleasure of the ***[Governor]*** **commission**, and shall
 58 be a person qualified by training and experience to perform the
 58A duties of his office.

59 h. A true copy of the minutes of every meeting of the commission
60 shall be prepared and forthwith delivered to the Governor. No
61 action taken at such meeting by the commission shall have force
62 or effect until 10 days, exclusive of Saturdays, Sundays and public
63 holidays, after such copy of the minutes shall have been so deliv-
64 ered. If, in said 10-day period, the Governor returns such copy of
65 the minutes with a veto of any action taken by the commission at
66 such meeting, such action shall be null and void and of no force
67 and effect.

1 6. The Pinelands Commission shall have the following powers:

2 a. To adopt and from time to time amend and repeal suitable
2A by-laws for the management of its affairs;

3 b. To adopt and use an official seal and alter the same at its
4 pleasure;

5 c. To maintain an office at such place or places in the pinelands
6 area as it may designate;

7 d. To sue and be sued in its own name;

8 e. To appoint, retain and employ, without regard to the pro-
9 visions of Title 11 of the Revised Statutes but within the limits
10 of funds appropriated or otherwise made available for such pur-
11 poses, such officers, agents, employees and experts as it may require,
12 and to determine the qualifications, terms of office, duties, services
13 and compensation therefor;

14 f. To apply for, receive, and accept, from any Federal, State, or
15 other public or private source, grants or loans for, or in aid of,
16 the commission's authorized purposes;

17 g. To enter into any and all agreements or contracts, execute any
18 and all instruments, and do and perform any and all acts or things
19 necessary, convenient, or desirable for the purposes of the com-
20 mission or to carry out any power expressly given in this act;

21 h. To conduct examinations and investigations, to hear testi-
22 mony, taken under oath at public or private hearings, on any
23 material matter, and to require attendance of witnesses and the
24 production of books and papers;

25 i. To prepare and transmit to the Commissioner of Environ-
26 mental Protection such recommendations for water quality
27 standards for surface and ground waters in the pinelands area, or
28 in tributaries and watersheds thereof, as the commission deems
29 appropriate;

30 j. To prepare, promulgate, adopt, amend or repeal, pursuant to
31 the provisions of the "Administrative Procedure Act," P. L. 1968,
32 c. 410 (C. 52:14B-1 et seq.), such rules and regulations as are
33 necessary in order to implement the provisions of this act;

34 k. To appoint advisory boards, commissions, or panels to assist
35 in its activities;

36 l. To identify *~~those~~* *any* lands in which the public acqui-
37 sition of a fee simple or lesser interest therein is necessary or
38 desirable in order to *~~effectuate the purposes of this act~~* *in-*
38A *sure the preservation thereof, or to provide sites for public recrea-*
38B *tion, as well as any lands the beneficial use of which are so ad-*
39 *versely affected by the restrictions imposed pursuant to this act as*
39A *to require a guarantee of just compensation therefor**, and to tran-
39B mit such identifications to the affected local governments *~~and~~
39C ~~to~~* *,* the Commissioner of Environmental Protection *and to*
39D *the Secretary of the United States Department of Interior**;

40 m. To call to its assistance and avail itself of the services of such
41 employees of any State, county or municipal department, board,
42 commission or agency as may be required and made available for
43 such purposes.

1 *6.1. a. *There is hereby established a Pinelands Municipal Coun-*
2 *cil, the membership of which shall consist of the mayor, or his*
3 *designee, of each municipality located, in whole or in part, within*
4 *the pinelands area.*

5 b. *A majority of the membership of the council shall constitute*
6 *a quorum for the transaction of council business. Action may be*
7 *taken and motions and resolutions adopted by the council at any*
8 *meeting thereof by the affirmative vote of a majority of the full*
9 *membership of the council.*

10 c. *The council shall meet regularly as it may determine, and*
11 *shall also meet at the call of the chairman of the commission.*

12 d. *The council shall appoint a chairman from among its members*
13 *and such other officers as may be necessary. The council may, within*
14 *the limits of any funds appropriated or otherwise made available*
15 *to it for this purpose, appoint such staff or hire such experts as*
16 *it may require.*

17 e. *Members of the council shall serve without compensation, and*
18 *each member shall serve only as long as he is the mayor or the*
19 *designee of the mayor of the municipality he represents. The coun-*
20 *cil may, within the limits of funds appropriated or otherwise made*
21 *available for such purposes, reimburse its members for necessary*
22 *expenses incurred in the discharge of their official duties.*

23 f. *The commission shall submit to the council, for review, prior*
24 *to final commission action thereon, the comprehensive management*
25 *plan, and any revisions thereto, including the minimum standards*
26 *for the adoption of municipal and county plans and ordinances*
27 *concerning the development and use of land in the pinelands area.*

28 *The commission may also submit to the council any other matter*
 29 *which the commission deems advisable.*

30 *g. The council shall review all matters submitted to it by the*
 31 *commission and shall state its position to the commission within*
 32 *60 days of the submission thereof.*

33 *h. The council may make recommendations to the commission on*
 34 *any matters it deems advisable whether or not such matter was sub-*
 35 *mitted to the council by the commission.**

1 7. The commission shall, ***[within 18 months of the effective date**
 2 **of this act]*** *on or before August 8, 1980**, and after public hear-
 3 ings held in the pinelands area and in other areas of the State at
 4 places of its choosing, prepare and adopt a comprehensive manage-
 5 ment plan for the pinelands area. Such plan shall be periodically
 6 revised and updated, after public hearings, and shall include, but
 6A need not necessarily be limited to:

7 a. A resource assessment which:

8 (1) Determines the amount and type of human development and
 9 activity which the ecosystem of the pinelands area can sustain
 10 while still maintaining the overall ecological values thereof, with
 11 special reference to ground and surface water supply and quality;
 12 natural hazards, including fire; endangered, unique, and unusual
 13 plants and animals and biotic communities; ecological factors relat-
 14 ing to the protection and enhancement of blueberry ***[and]*** *,
 15 cranberry ***[production]*** and other agricultural *production or*
 16 activity; air quality; and other appropriate considerations affecting
 17 the ecological integrity of the pinelands area; ***[and]***

18 (2) Includes an assessment of scenic, aesthetic, cultural, open
 19 space, and outdoor recreation resources of the area, together with a
 20 determination of overall policies required to maintain and enhance
 20A such resources*.**]*** *; and*

21 **(3) Utilizes soil resources information from the National Co-*
 21A *operative Soil Survey and the soil conservation districts in the*
 21B *pinelands area.**

22 b. A map showing the detailed boundary of the Pinelands Na-
 23 tional Reserve, such map to delineate:

24 (1) Major areas within the boundary which are of critical
 25 ecological importance;

26 (2) Major areas and resources adjacent to the boundary that
 27 have significance to the ecological integrity of the Pinelands
 28 National Reserve; and

29 (3) Areas of scenic, open space, cultural, and recreational
 30 significance.

31 c. The map prepared pursuant to subsection c. of section 10 of
32 this act.

33 d. A land use capability map and a comprehensive statement
34 of policies for planning and managing the development and use
35 of land in the pinelands area, which policies shall:

36 (1) Consider and detail the application of a variety of land
37 and water protection and management techniques, including but not
38 limited to, zoning and regulation derived from State and local police
39 powers, development and use standards, permit systems, acquisi-
40 tion of conservation easements and other interests in land, public
41 access agreements with private landowners, purchase of land for
42 resale or lease-back, fee acquisition of public recreation sites and
43 ecologically sensitive areas, **transfer of development rights, dedi-*
44 *cation of private lands for recreation or conservation purposes**
45 and any other appropriate method of land and water protection
45A and management which will help meet the goals and carry out the
45B policies of the management plan;

46 (2) Include a policy for the use of State and local police power
47 responsibilities to the greatest extent practicable to regulate the
48 use of land and water resources in a manner consistent with the
49 purposes and provisions of this act and the Federal Act; and

50 (3) Recognize existing economic activities within the area and
51 provide for the protection and enhancement of such activities as
52 farming, forestry, proprietary recreational facilities, and those
53 indigenous industries and commercial and residential develop-
54 ments which are consistent with such purposes and provisions.

55 e. A coordination and consistency component which details the
56 ways in which local, State, and Federal programs and policies
57 may best be coordinated to promote the goals and policies of the
58 management plan, and which details how land, water, and struc-
59 tures managed by governmental or nongovernmental entities in the
60 public interest within the pinelands area may be integrated into
61 the management plan.

62 f. A public use component including, but not limited to, a detailed
63 program to inform the public of appropriate uses of the pinelands
64 area.

65 g. A financial component, together with a cash flow timetable
66 which:

67 (1) Details the cost of implementing the management plan, in-
68 cluding, but not limited to, payments in lieu-of-taxes, **acquisition*
69 *within 5 years of the effective date of this act, of fee simple or*
70 *other interests in lands for preservation or recreation purposes,*
70A *compensation guarantees,** general administrative costs, and any
70B anticipated extraordinary or continuing costs; and

71 (2) Details the sources of revenue for covering such costs, in-
 72 cluding, but not limited to, grants, donations, and loans from local,
 73 State, and Federal departments and agencies, and from the private
 74 sector.

75 h. A program to provide for the maximum feasible local govern-
 76 ment and public participation in the management of the pinelands
 77 area.

78 i. A program for State and local governmental implementation
 79 of the comprehensive management plan and the various elements
 80 thereof in a manner that will insure the continued, uniform, and
 81 consistent protection of the pinelands area in accord with the pur-
 82 poses and provisions of this act and the Federal Act, including:

83 (1) Minimum standards for the adoption, as required in section
 84 11 of this act, of municipal and county plans and ordinances con-
 85 cerning the development and use of land in the pinelands area,
 86 including, but not limited to, standards for minimum lot sizes and
 87 stream setbacks, maximum appropriate population densities, and
 88 regulated or prohibited uses for specific portions of the pinelands
 89 area; and

90 (2) Such guidelines for any State or local agencies as may be
 91 prepared by the commission pursuant to section 12 hereof.

92 j. In conjunction with existing State programs and planning
 93 processes, a plan to implement the provisions of the "Clean Water
 94 Act" (PL 95-217) and the "Safe Drinking Water Act"
 95 (PL 93-523) which pertain to the surface and ground water of the
 96 Pinelands National Reserve;

97 k. The report transmitted to the commission by the Department
 98 of Environmental Protection pursuant to section 22 of this act.

1 *8. a. *The goal of the comprehensive management plan with re-*
 1A *spect to the entire pinelands area shall be to protect, preserve and*
 1B *enhance the significant values of the resources thereof in a man-*
 1C *ner which is consistent with the purposes and provisions of this act*
 1D *and the Federal Act.**

2 ***[8. a.]*** **b.** The goals of the comprehensive management plan
 2A with respect to the ***[pinelands]*** **protection** area shall be to:

3 (1) Preserve and maintain the essential character of the existing
 4 pinelands environment, including the plant and animal species indi-
 5 genous thereto **and the habitat therefor**;

6 (2) Protect and maintain the quality of surface and ground
 7 waters;

8 (3) Promote the continuation and expansion of ***[indigenous]***
 9 agricultural and horticultural uses;

- 10 (4) Discourage piecemeal and scattered development; and
 11 (5) Encourage appropriate patterns of compatible residential,
 12 commercial and industrial development, in or adjacent to areas
 13 already utilized for such purposes, in order to accommodate
 14 regional growth influences in an orderly way while protecting the
 15 pinelands environment from the individual and cumulative adverse
 16 impacts thereof.

17 ***[b.]*** *c.* The goals of the comprehensive management plan
 18 with respect to the preservation area shall be to:

19 (1) Preserve an extensive and contiguous area of land in its
 20 natural state, thereby insuring the continuation of a pinelands
 21 ***[wilderness]*** *environment* which contains the unique and sig-
 22 nificant ecological and other resources representative of the pine-
 22A lands area;

23 (2) Promote compatible agricultural, horticultural and recrea-
 24 tional uses*, *including hunting, fishing and trapping,** within the
 25 framework of maintaining a ***[wilderness]*** *pinelands* environ-
 25A ment;

26 (3) Prohibit any construction or development which is incom-
 27 patible with the preservation of this unique area;

28 (4) Provide a sufficient amount of undeveloped land to accom-
 29 modate specific wilderness management practices, such as selective
 30 burning, which are necessary to maintain the special ecology of
 31 the preservation area; and

32 (5) Protect and preserve the quantity and quality of existing
 33 surface and ground waters.

1 9. a. During the development of the comprehensive management
 2 plan, the commission shall consult with appropriate officials of
 3 local governments*, *including the council,** and State or Federal
 4 agencies with jurisdiction over lands ***[and]*** *,* waters *and na-
 5 tural resources* within the pinelands area, with interested pro-
 6 fessional, scientific, and citizen organizations, and with any citizens
 7 advisory committee which may be established by the Governor.
 8 The commission shall review all relevant existing information and
 9 studies on the pinelands area including, but not limited to, the
 10 report of the committee created pursuant to Executive Order 56,
 10A issued May 28, 1977.

11 b. Upon the adoption thereof, the comprehensive management
 12 plan shall be submitted to the Governor and to the Legislature.
 13 The commission shall further submit such plan to the Secretary of
 14 the United States Department of Interior, as provided in the
 15 Federal Act.

16 c. Subsequent to the adoption of the comprehensive management
17 plan, the provisions of any other law, ordinance, rule or regulation
18 to the contrary notwithstanding, no application for development
19 within the pinelands area shall be approved by any municipality,
20 county or agency thereof, and no State approval, certificate, license,
21 consent, permit, or financial assistance for the construction of any
22 structure or the disturbance of any land within such area shall be
23 granted, unless such approval or grant conforms to the provisions
24 of such comprehensive management plan; provided, however, that
25 the commission***[**, by a two-thirds vote of its total membership,**]***
26 is hereby authorized to waive strict compliance with such plan or
27 with any element or standard contained therein, upon finding that
28 such waiver is necessary to alleviate extraordinary hardship or
29 to satisfy a compelling public need, is consistent with the purposes
30 and provisions of this act and the Federal Act, and would not
31 result in substantial impairment of the resources of the pinelands
32 area*; *and provided further, however, that the commission shall,*
33 *within 90 days of the effective date of this act, and after public*
34 *hearing thereon, adopt rules and regulations which specify the*
35 *standards for determining such extraordinary hardship, compelling*
36 *public need, consistency and substantial impairment*.*

1 10. a. The pinelands area shall consist of all that area within the
2 boundaries described herein:

3 Beginning at the intersection of the abandoned-right-of-way of
4 the Pennsylvania Railroad and the Garden State Parkway near
5 south Toms River; thence southerly along the Garden State Park-
6 way to its intersection with the boundary of the Bass River State
7 Forest; thence southerly, and then westerly, along the Bass River
8 State Forest boundary to its intersection with the Garden State
9 Parkway; thence southerly along the Garden State Parkway to its
10 intersection with Atlantic County Alternate Route 559; thence
11 northwesterly along Atlantic County Alternate Route 559 to its
12 intersection with Atlantic County Route 559 at Gravelly Run;
13 thence northwesterly along Atlantic County Route 559 to its
14 intersection with U. S. 40 and N. J. Route 50 at Mays Landing;
15 thence westerly along U. S. 40 and N. J. Route 50 to their
16 intersection with N. J. Route 50; thence southerly on N. J. Route 50
17 to its intersection with Buck Hill Road near Buck Hill; thence
18 westerly along Buck Hill Road (River Road) to its intersection
19 with N. J. Route 49; thence southeasterly along N. J. Route 49 to
20 its intersection with N. J. Route 50; thence southeasterly along
21 N. J. Route 50 to its intersection with Cape May County Route 610;
22 thence southwesterly along Cape May County Route 610 to its

23 intersection with N. J. Route 47 at Dennisville; thence north-
 24 westerly along N. J. Route 47 to its intersection with the east bank
 25 of the Manamuskin River; thence northerly along the east bank
 26 of the Manamuskin River to N. J. Route 49; thence northwesterly
 27 along N. J. Route 49 to its intersection with Cumberland County
 28 Route 671; thence northerly along Cumberland County Route 671
 29 and then Atlantic County Route 671 (both known as Union Road)
 30 to Atlantic County Route 557; thence northwesterly along
 31 Atlantic County Route 557 to its intersection with U. S. Route 40;
 32 thence northwesterly along U. S. Route 40 to its intersection with
 33 Gloucester County Route 555; thence northerly along Gloucester
 34 County Route 555 to its intersection with U. S. Route 322 and
 35 Gloucester County Route 536; thence easterly along Gloucester
 36 County Route 536 (known as New Brooklyn Road) to its inter-
 37 section with Camden County Route 705 at New Brooklyn Lake;
 38 thence northerly along the western shoreline of New Brooklyn
 39 Lake to the east bank of the main stem of the Great Egg Harbor
 40 River; thence northerly along the east bank of the main stem of the
 41 Great Egg Harbor River to its intersection with the east bank of
 42 Tinkers Branch; thence northeasterly along the east bank of
 43 Tinkers Branch to its intersection with the corporate boundary of
 44 Berlin Borough; thence easterly along the Berlin Borough cor-
 45 porate boundary to its intersection with the boundary of that area
 46 designated as the critical area for sewerage purposes pursuant to
 47 the provisions of P. L. 1954, c. 199 (C. 58:11-23 et seq.), as
 48 amended*,* and as implemented by N. J. A. C. 7:9-10.1 et seq.;
 49 thence northerly and then easterly along such critical area
 50 boundary to its intersection with the Burlington County-Camden
 51 County boundary; thence northerly along the Burlington County-
 52 Camden County boundary to its intersection with N. J. Route 73;
 53 thence northerly along N. J. Route 73 to its intersection with
 53A **Braddock Mill Road; thence easterly along Braddock Mill Road*
 53B *to its intersection with Tomlinson Mill Road; thence northeasterly*
 53C *along Tomlinson Mill Road to its intersection with Kettle Run*
 53D *Road; thence northerly along Kettle Run Road, then along Willow*
 53E *Corner-Tomlinson Mill Road, to its intersection with South Elm-*
 53F *wood Road; thence easterly, then northerly along South Elmwood*
 54 *Road to its intersection with East Main Street; thence easterly*
 54A *along East Main Street to its intersection with Marlton Pike; thence*
 54B *northeasterly along Marlton Pike to its intersection with* N. J.*
 54C *Route 70; thence easterly along N. J. Route 70 to its inter-*
 55 *section with U. S. Route 206; thence northerly along U. S. Route*
 56 *206 to its intersection with Burlington County Route 530; thence*
 57 *easterly along Burlington County Route 530 to the corporate*

58 boundary of Pemberton Borough; thence southerly, then easterly,
59 then northerly, and then westerly, along the Pemberton Borough
60 corporate boundary to its intersection with Burlington County
61 Route 616; thence northerly along Burlington County Route 616
62 to its intersection with Burlington County Route 663; thence
63 northerly along Burlington County Route 663 to its intersection
64 with the corporate boundary of Springfield Township; thence
65 easterly along the Springfield Township corporate boundary to its
66 intersection with the boundary of the Fort Dix Military Reserva-
67 tion/McGuire Air Force Base; thence easterly along the boundary
68 of the Fort Dix Military Reservation/McGuire Air Force Base to
69 its intersection with Ocean County Route 539; thence northwesterly
70 along Ocean County Route 539 to its intersection with Ocean
71 County Route 528; thence northeasterly along Ocean County
72 Route 528 to its intersection with Ocean County Route 547; thence
73 southerly along Ocean County Route 547 to its intersection with
74 Ocean County Route 527; thence southeasterly along Ocean County
75 Route 527 to its intersection with the Central Railroad of New
76 Jersey tracks; thence southwesterly along the tracks of the Central
77 Railroad of New Jersey to the junction with the abandoned right-
78 of-way of the Pennsylvania Railroad near Whiting; thence easterly
79 along the abandoned Pennsylvania Railroad right-of-way to its
80 intersection with the Garden State Parkway near South Toms
81 River, at the point of origin.

82 b. The preservation area shall consist of all that area within
83 the boundaries described herein:

84 Beginning at the crossing of the Mullica River and the Garden
85 State Parkway; thence southerly along the Garden State Parkway
86 to its intersection with Atlantic County Route 624; thence north-
87 westerly along Atlantic County Route 624 to its intersection with
88 Atlantic County Route 563; thence northwesterly along Atlantic
89 County Route 563 to its intersection with Elwood-Weekstown Road
90 at Weekstown; thence westerly along Elwood-Weekstown Road to
91 its intersection with Atlantic County Route 643; thence north-
92 westerly along Atlantic County Route 643 to an unnamed local road
93 south of Nescochague Lake; thence westerly along such unnamed
94 local road to its intersection with Atlantic County Route 542;
95 thence northeasterly along Atlantic County Route 542 to its inter-
96 section with the boundary of Wharton State Forest; thence
97 northwesterly along the Wharton State Forest boundary to its
98 intersection with ***【**Burlington County Route 648; thence north-
99 easterly along Burlington County Route 648 to its intersection
100 with U. S. 206; thence northerly along U. S. 206**】*** *the Mullica*

100A *River; thence westerly along the Mullica River to its intersection*
 100B *with the corporate boundary of Medford Township; thence north-*
 100C *erly along the Medford Township corporate boundary to its inter-*
 100D *section with the boundary of that area designated as the critical*
 100E *area for sewerage purposes pursuant to the provisions of P. L.*
 100F *1954, c. 199 (C. 58:11-23 et seq.), as amended, and as implemented*
 100G *by N. J. A. C. 7:9-10.1 et seq.; thence northeasterly along such*
 101 *critical area boundary to its intersection with the boundary of*
 101A *Wharton State Forest; thence easterly along the Wharton State*
 101B *Forest boundary to its intersection with Medford-Atsion Road,*
 101C *south of Dелette; thence northerly along Medford-Atsion Road*
 101D *to its intersection with Willow Grove Road; thence northeasterly*
 101E *along Willow Grove Road to its intersection with Stokes Road;*
 101F *thence southerly along Stokes Road to its intersection with Burnt*
 101G *House Road; thence northeasterly along Burnt House Road to*
 102 *its intersection with Fork Neck Road; thence southerly, then east-*
 102A *erly along Fork Neck Road to its intersection with Dingleton*
 102B *Road; thence northeasterly along Dingleton Road to its inter-*
 102C *section with Hampton Gate-Caranza Road; thence northwesterly*
 102D *along Hampton Gate-Caranza Road* to its intersection with*
 102E *Burlington County Route 532; thence easterly on Burlington*
 102F *County Route 532 to its intersection with Patty Bowker Road and*
 103 *Irick's Causeway Road; thence ***[easterly]*** *northeasterly* along*
 104 *Irick's Causeway Road to its intersection with Vincentown-South*
 105 *Park Road; thence southeasterly along Vincentown-South Park*
 106 *Road to its intersection with Sooy *Place* Road; thence easterly*
 107 *along Sooy *Place* Road to its intersection with the corporate*
 108 *boundary of Woodland Township; thence northwesterly, then*
 109 *northeasterly, along the Woodland Township corporate boundary*
 110 *to its intersection with the boundary of Lebanon State Forest and*
 111 *Burlington County Route 644 at Four Mile Circle; thence north-*
 112 *westerly, then northeasterly, then southeasterly, along the Lebanon*
 113 *State Forest boundary to its intersection with N. J. Route 70;*
 114 *thence northeasterly along N. J. Route 70 to its intersection with*
 115 *the Lebanon State Forest boundary at a point approximately one-*
 116 *half mile west of the intersection of N. J. Route 70 and Burlington*
 117 *County Route 530; thence westerly, and then northerly, along the*
 118 *Lebanon State Forest boundary to its intersection with the boun-*
 119 *dary of the Fort Dix Military Reservation near South Boundary*
 120 *Road; thence northwesterly along the Fort Dix Military Reser-*
 121 *vation boundary to its intersection with Burlington County Route*
 122 *667; thence northerly along Burlington County Route 667 to its*
 123 *intersection with the northern boundary of the For Dix Military*

124 Reservation; thence easterly along the Fort Dix Military Reserva-
124A tion boundary **to its intersection with** **【to】** the boundary of
125 the Colliers Mills Fish and Wildlife Management Area; thence
126 northerly along the Colliers Mills Fish and Wildlife Management
127 Area boundary to its intersection with Ocean County Route 528;
128 thence northeasterly along Ocean County Route 528 to its east-
129 ernmost intersection with the Colliers Mills Fish and Wildlife
130 Management Area boundary; thence southerly along the Colliers
131 Mills Fish and Wildlife Management Area boundary to its inter-
132 section with the boundary of the Lakehurst Naval Air Station;
133 thence easterly, then southerly, and then westerly along the
134 Lakehurst Naval Air Station boundary to its intersection with an
135 unnamed local road at the northeastern corner of the boundary
136 of the Manchester Fish and Wildlife Management Area; thence
137 southerly along such unnamed local road, then along Beckerville
138 Road, to its intersection with N. J. Route 70; **【thenec】** **thence**
139 southwesterly along N. J. Route 70 to its intersection with the
140 boundary of the Fort Dix Military Reservation; thence southerly,
141 and then northwesterly, along the Fort Dix Military Reservation
142 boundary to its intersection with the boundary of the Lebanon
143 State Forest; thence southerly along the Lebanon State Forest
144 boundary to its intersection with the boundary of the Pasadena
145 Fish and Wildlife Management Area; thence southeasterly along
146 the Pasadena Fish and Wildlife Management Area boundary to
147 its intersection with the northern ridge line of the Cedar Creek
148 Drainage Basin; thence northeasterly along the northern
149 ridge line of the Cedar Creek Drainage Basin to its inter-
150 section with the Garden State Parkway; thence southerly
151 along the Garden State Parkway to its intersection with
152 the southern ridge line of the Cedar Creek Drainage Basin;
153 thence southwesterly along the southern ridge line of the
154 Cedar Creek Drainage Basin to its intersection with the boundary
155 of the Greenwood Forest Fish and Wildlife Management Area;
156 thence southeasterly along the Greenwood Forest Fish and
157 Wildlife Management Area to its intersection with N. J. Route 72;
158 thence northwesterly along N. J. Route 72 to its intersection with
159 the East Branch of the Oswego River; thence southerly along the
160 East Branch of the Oswego River to its intersection with Ocean
161 County Route 539; thence southerly along Ocean County Route 539
162 to its intersection with the boundary of the Stafford Forge Fish
163 and Wildlife Management Area; thence southeasterly along the
164 Stafford Forge Fish and Wildlife Management Area to its inter-
165 section with the north bank of Governors Branch Creek; thence

166 easterly along the north bank of Governors Branch Creek to its
167 intersection with the boundary of the Stafford Forge Fish and
168 Wildlife Management Area; thence easterly along the Stafford
169 Forge Fish and Wildlife Management Area boundary to its inter-
170 section with the Garden State Parkway; thence southerly along
171 the Garden State Parkway to its intersection with the boundary of
172 Bass River State Forest; thence southerly, and then westerly,
173 along the Bass River State Forest boundary to its intersection
174 with the Garden State Parkway; thence southerly along the Garden
175 State Parkway to its intersection with the east bank of the Bass
176 River; thence northerly along the east bank of the Bass River to
177 its intersection with the east bank of the East Branch of the Bass
178 River; thence northerly along the east bank of the East Branch of
179 the Bass River to its intersection with the Atlantic City Electric
180 Company transmission line; thence westerly, and then south-
181 westerly, along the Atlantic City Electric Company transmission
182 line to its intersection with Burlington County Route 542; thence
183 easterly along Burlington County Route 524 to its intersection with
184 Burlington County Route 167; thence southerly along Burlington
185 County Route 167 to its intersection with the Garden State Park-
186 way at exit 50S; thence southerly along the Garden State Parkway
187 to the crossing of the Mullica River, at the point of origin.

188 c. The commission shall, within 120 days of the effective date of
189 this act, prepare a detailed map of the Pinelands National Reserve,
190 the pinelands area*, *the protection area** and the preservation area.
191 Such map shall include, but need not be limited to, the location of
192 all major waterways, roads, and publicly-owned lands in such
193 areas, as well as a depiction of the boundaries of every county
194 and municipality which is located in whole or in part within such
195 areas. Such map shall be transmitted to the governing body of
196 every such county and municipality, shall be published in the New
197 Jersey Register and in at least two newspapers circulating within
198 the affected areas, within 150 days of said effective date, and shall
199 be submitted to the Governor and the Legislature as the official
200 State **planning** maps of the Pinelands National Reserve, the
201 pinelands area*, *the protection area** and the preservation area.

1 11. a. The provisions of any other law, ordinance, rule or regula-
2 tion to the contrary notwithstanding, within 1 year of the date of
3 the adoption of the comprehensive management plan, or any re-
4 vision thereof, each county located in whole or in part in the pine-
5 lands area shall submit to the commission such revisions of the
6 county master plan as may be necessary in order to implement the
7 objectives of the comprehensive management plan and conform

8 with the minimum standards contained therein. After receiving
9 and reviewing such revisions, as applicable to the development and
10 use of land in the pinelands area, the commission shall approve,
11 reject, or approve with conditions said revised plans, as it deems
12 appropriate, after public hearing, within 60 days of the submission
13 thereof.

14 Upon rejecting or conditionally approving any such revised
15 plan, the commission shall identify such changes therein that it
16 deems necessary for commission approval thereof, and the relevant
17 county shall adopt and enforce such plan, as so changed.

18 b. Within 1 year of the date of the adoption of the comprehensive
19 management plan, or any revision thereof, each municipality
20 located in whole or in part in the pinelands area shall submit to
21 the commission such revisions of the municipal master plan and
22 local land use ordinances as may be necessary in order to imple-
23 ment the objectives of the comprehensive management plan and
24 conform with the minimum standards contained therein. After
25 receiving and reviewing such revisions, as applicable to the develop-
26 ment and use of land in the pinelands area, the commission shall
27 approve, reject, or approve with conditions said revised plans and
28 ordinances, as it deems appropriate, after public hearing, within
29 120 days of the date of the submission thereof.

30 Upon rejecting or conditionally approving any such revised plan
31 or ordinance, the commission shall identify such changes therein
32 that it deems necessary for commission approval thereof, and the
33 relevant municipality shall adopt and enforce such plan or ordi-
34 nance, as so changed.

35 The commission may, as herein provided, delegate the review
36 of any municipal master plan or land use ordinance to the planning
37 board of the county wherein such municipality is located. Any
38 such delegation shall be made only: (1) ***[by a majority vote of the**
39 **total authorized membership of the commission,]*** upon a finding
40 **by the commission** that such delegation is consistent with the
41 purposes and provisions of this act and the Federal Act; (2) if
42 the commission has approved the master plan for such county; and,
43 (3) at the request of the governing body of such county. The re-
44 sults of any such county planning board review shall be transmitted
45 to the commission prior to the commission's review and approval
46 of any such municipal master plan or ordinance.

47 c. In the event that any county or municipality fails to adopt or
48 enforce an approved revised master plan or implementing land
49 use ordinances, as the case may be, including any condition thereto
50 imposed by the commission, the commission shall adopt and enforce

51 such rules and regulations as may be necessary to implement the
 52 minimum standards contained in the comprehensive management
 53 plan as applicable to any such county or municipality.

54 d. Any approval of any application for development granted by
 55 any municipality, county, or agency thereof in violation of the
 56 provisions of this section shall be null and void and of no force
 57 and effect at law or equity.

1 12. In order to assure that the actions, decisions, determinations
 2 and rulings of the State, county and municipal governments shall,
 3 to the maximum extent practicable and feasible, conform with the
 4 comprehensive management plan adopted by the commission pur-
 5 suant to section 7 of this act, the commission shall prepare,
 6 periodically revise and transmit to all State, county or municipal
 7 agencies empowered to finance or construct any capital project
 8 within the pinelands area, and to all State agencies empowered to
 9 grant or deny any approval, certificate, license, consent, or permit
 10 for the construction of any structure or the disturbance of land
 11 therein, such guidelines for the location and construction of such
 12 capital projects or for the granting of any such approval, certificate,
 13 license, consent, permit, or financial assistance, as the case may be,
 14 as the commission deems necessary and appropriate.

1 13. Subsequent to the effective date of this act, the provisions
 2 of any other law, ordinance, rule or regulation to the contrary
 3 notwithstanding:

4 a. No State department, division, commission, authority, council,
 5 agency or board shall grant any approval, certificate, license, con-
 6 sent, permit or financial assistance for the construction of any
 7 structure or the disturbance of any land within the pinelands
 8 area*, *for other than agricultural or horticultural purposes** prior
 9 to the adoption of the comprehensive management plan; provided,
 10 however, that such grant may be made **for such construction or*
 11 *disturbance within the protection area** prior to such adoption if
 12 the commission***[**, by a two-thirds vote of its total authorized mem-
 13 bership,**]*** finds that such grant is necessary to alleviate extra-
 13A ordinary hardship*,* or to satisfy a compelling public need, **or**
 13B is consistent with the purposes and provisions of this act and the
 14 Federal Act, and would not result in substantial impairment of the
 14A resources of the pinelands area; **and provided further, however,*
 14B *that such grant may be made for such construction or disturbance*
 14C *within the preservation area if the commission finds that such grant*
 15 *is necessary to alleviate extraordinary hardship or to satisfy a*
 15A *compelling public need, and is consistent with the purposes and*
 15B *provisions of this act and the Federal Act, and would not result*
 15C *in substantial impairment of the resources of the pinelands area.**

16 b. No application for a major development in the ***[pinelands]***
17 **protection** area shall be approved by any municipality, county or
18 agency thereof, prior to the adoption of the comprehensive man-
19 agement plan; provided, however, that such an application may
20 be approved if the commission***[**, by a two-thirds vote of its total
21 authorized membership,**]*** finds that such approval is necessary to
22 alleviate extraordinary hardship or to satisfy a compelling public
23 need, *or* is consistent with the purposes and provisions of this
24 act and the Federal Act, and would not result in substantial im-
25 pairment of the resources *of* the pinelands area.

26 c. No application for development in the preservation area shall
27 be approved by any municipality, county, or agency thereof prior
28 to the adoption of the comprehensive management plan and the
29 approval, pursuant to section 11 of this act, of the master plan and
30 land use ordinances applicable to any such municipality, county,
31 or agency thereof; provided, however, that such an application may
32 be approved prior to such adoption and approval if the commis-
33 sion***[**, by a two-thirds vote of its total authorized membership,**]***
34 finds that such approval is necessary to alleviate extraordinary
35 hardship or to satisfy a compelling public need, *and* is consistent
36 with the purposes and provisions of this act and the Federal Act,
37 and would not result in substantial impairment of the resources
37A of the pinelands area.

38 d. Any approval, certificate, license, consent, permit, or financial
39 assistance granted in violation of this section shall be null and
40 void and of no force and effect at law or equity.

41 *e. The commission shall, within 90 days of the effective date of
42 this act, and after public hearing thereon, adopt rules and regula-
43 tions which specify the standards for determining such extraordi-
44 nary hardship, compelling public need, consistency and substantial
45 impairment for the purposes of this section.

46 f. The executive director is hereby authorized and directed to
47 review all requests or applications for a commission finding pur-
48 suant to this section and to make such recommendations thereon
49 to the commission as he shall deem appropriate; provided, however,
50 that the commission shall take final action on all such requests or
51 applications.

52 g. Nothing in this section shall prohibit the granting of any
53 State, county or municipal approval, certificate, license, consent or
54 permit for the construction of any single family residence upon any
55 existing lot in the protection area, provided that (1) the lot upon
56 which such residence would be constructed was owned, as of Feb-
57 ruary 7, 1979, by the person who would occupy such residence;

58 and (2) that sewage treatment facilities, within the capacity of
59 an existing sewage treatment plant, are available to service such
60 residence, or, where no such facilities are available, that such
61 residence would be constructed upon a lot greater than one acre.*

1 14. Subsequent to the adoption of the comprehensive manage-
2 ment plan, the commission is hereby authorized to commence a
3 review, within 15 days after any final municipal or county approval
4 thereof, of any application for development in the pinelands area.
5 Upon determining to exercise such authority, the commission shall
6 transmit ***["written"]*** *, *by registered mail, written** notice thereof
7 to the person who submitted such application. The commission
7A shall*, *after public hearing thereon,** approve, reject, or approve
8 with conditions any such application within 45 days of transmitting
9 such notice; provided, however, that such application shall not be
10 rejected or conditionally approved unless the commission deter-
11 mines***["**, by a two-thirds vote of its total authorized membership,**"]***
12 that such development does not conform with the comprehensive
13 management plan or the minimum standards contained therein, as
14 applicable to the county or municipality wherein such development
15 is located, or that such development could result in substantial
16 impairment of the resources of the pinelands area. Such approval,
17 rejection or conditional approval shall be binding upon the person
18 who submitted such application, shall supersede any municipal or
19 county approval of any such development, and shall be subject only
20 to judicial review as provided in section 19 of this act.

1 15. The commission is hereby authorized to make grants to mu-
2 nicipalities and counties for any revision of local master plans or
3 the implementing ordinances thereto which is designed to bring
4 such plans and ordinances into conformance with the comprehen-
5 sive management plan prepared by the commission. The commis-
6 sion may make such grants from any State, Federal or other funds
7 which may be appropriated or otherwise made available to it for
8 such purpose.

1 16. a. No member, officer, employee, or agent of the commission
2 shall take any official action on any matter in which he has a direct
3 or indirect financial interest; provided, however, that the owner-
4 ship of, or tenancy in, one's own private residence shall not be
5 considered a financial interest for the purposes of this section;
6 and provided further, however, that nothing in this section shall
7 be construed so as to prohibit any such member from participating
8 in the preparation and approval of the comprehensive management
9 plan;

10 b. Any commission action taken or approval granted in violation
11 of this section is voidable;

12 c. Any person who shall willfully violate any provision of this
13 section shall forfeit his office or employment and shall be guilty
14 of a misdemeanor and be punished by a fine of not more than
15 \$7,500.00 or by imprisonment for not more than 18 months, or both
16 such fine and imprisonment.

1 17. The State Auditor shall conduct an annual audit of the com-
2 mission's activities pursuant to the provisions of chapter 24 of
3 Title 52 of the Revised Statutes.

1 18. On or before March 31 in each year the commission shall
2 make an annual report of its activities for the preceding calendar
3 year to the Governor ***[and to]***,* the Legislature *and to the
4 Secretary of the United States Department of Interior*. Each
5 such report shall set forth a complete operating and financial
6 statement covering its operations during the year.

1 19. Any person aggrieved by any decision rendered by the com-
2 mission pursuant to subsection c. of section 9 and sections 13 and
3 14 of this act may obtain judicial review thereof by the filing of
4 a petition in the Appellate Division of the Superior Court of New
5 Jersey within 45 days after the issuance of such decision. The
6 court shall have the power to grant such relief as it deems just
7 and proper, and to make and enter an order enforcing, modifying
8 and enforcing as so modified, remanding for further specific evi-
9 dence or findings, or setting aside in whole or in part, such decision
10 of the commission. The findings of fact on which such decision is
11 based shall be conclusive if supported by substantial evidence on
12 the record considered as a whole.

1 20. The commission shall, within 1 year of the effective date of
2 this act, prepare and submit to the Governor and Legislature a
3 report concerning State payments in lieu of taxes to municipalities
4 in the pinelands area wherein the State owns any land or interests
5 therein. Such report shall include an evaluation of the manner
6 of calculation and amount of such payments made or to be made
7 pursuant to the provisions of the "New Jersey Green Acres and
8 Recreation Opportunities Bond Act of 1974," P. L. 1974, c. 102;
9 P. L. 1977, c. 272 (C. 54:4-2.2a et seq.); and the "New Jersey
10 Green Acres Bond Act of 1978," P. L. 1978, c. 118, as well as the
11 recommendations of the commission for executive and legislative
12 action on additional or alternative proposals for such payments,
13 including the fiscal implications of any such proposal and potential
14 sources of funding therefor.

1 21. a. No person shall contract to sell any land within the pres-
2 ervation area, or any interest therein or option therefor, *~~unless:~~

3 (1) ~~Such~~* *until such** person has ~~provided~~* *transmitted*
4 *to** the Commissioner of Environmental Protection ~~with~~* *, by*
5 *certified mail**, a written notice of intention to sell such land, in-
5A terest, or option*~~,~~ and

6 (2) Such person has offered such commissioner the right of first
7 refusal to purchase such land, interest or option at a specified price,
8 and

9 (3) Such offer has not been acknowledged and accepted by such
10 commissioner within 60 days of the receipt thereof.~~]~~* *at least 60*
10A *days prior to entering into any such contract; provided, however,*
10B *that the provisions of this subsection shall not be applicable to any*
10C *contract of sale for any structure which is located on any lot less*
10D *than 10 acres, nor to any contract of sale between or among hus-*
10E *band and wife, parent and child, brother and sister, or grandparent*
10F *and grandchild.**

11 b. The Commissioner of Environmental Protection shall, within
12 30 days of the effective date of this act, transmit*, *by certified mail,*
13 *written** notice of the provisions of this section to the governing
14 body of every county and municipality located in whole or in part
15 in the preservation area, and publish such notice in the New Jersey
16 Register and in at least two newspapers circulating within the
17 affected areas.

17A c. Any contract made in violation of *subsection a. of** this sec-
18 tion is ~~hereby declared to be void and unenforceable as contrary~~
19 ~~to public policy~~* *voidable**.

20 *d. Any corporation which owns any land, or interest therein,*
21 *within the preservation area shall transmit, by certified mail,*
22 *within 10 days of the occurrence thereof, a written notice to the*
23 *Commissioner of Environmental Protection of any change or series*
24 *of changes in the ownership of more than 10% of the stockholdings*
25 *in such corporation.**

26 ~~d.~~* *e.** Nothing in this section shall be construed so as to
27 limit any authority granted the commissioner, pursuant to law,
28 to acquire any lands, or interests therein or options therefor, in
29 such manner as may be provided in such law.

1 22. In addition to the functions required pursuant to the "Coastal
2 Area Facility Review Act," P. L. 1973, c. 185 (C. 13:19-1 et seq.),
3 the Department of Environmental Protection shall, in consultation
4 with the commission and within 18 months of the effective date of
5 this act, review the environmental design for the coastal area as it
6 affects the planning and management of the development and use

7 of any land in the coastal area which is also within the boundaries
8 of the Pinelands National Reserve, make any necessary revisions
9 to such environmental design as may be necessary in order to
10 effectuate the purposes of this act and the Federal Act, and pre-
11 pare and transmit to the commission a report detailing the pro-
12 visions of the environmental design as so revised and as applicable
13 to such land.

1 *23. a. *No person shall operate any power vessel which utilizes*
2 *any engine in excess of 10 horse power upon any of the waters of*
3 *this State within the pinelands area, except upon that portion of*
4 *the Mullica River downstream from Burlington County Route 542*
5 *or upon that portion of the Wading River downstream from its*
6 *confluence with the Oswego River. As used in this subsection,*
7 *“power vessel” means any vessel temporarily or permanently*
8 *equipped with machinery for propulsion, not including a vessel*
9 *propelled wholly by sails or by muscular power.*

10 *b. No person shall operate any motor vehicle upon any public*
11 *land within the pinelands area other than upon public highways,*
12 *except in such areas designated by the commission for such pur-*
13 *poses. As used in this subsection, “motor vehicle” means all ve-*
14 *hicles propelled other than by muscular power, but not including*
15 *those vehicles run only upon rails or tracks, police, fire or emer-*
16 *gency vehicles, or those vehicles utilized for the administration or*
17 *maintenance of any public land.*

18 *c. No person shall throw, drop, discard or otherwise place any*
19 *litter upon any land or water within the pinelands area. As used*
20 *in this subsection, “litter” means any paper, bottle, can, trash,*
21 *garbage, refuse or debris of any nature.*

22 *d. Any person who violates any provision of this section shall be*
23 *liable to a penalty of not more than \$500.00 for each offense, which*
24 *penalty shall be imposed in addition to any other penalty otherwise*
25 *provided by P. L. 1954, c. 38 (C. 23:7-9), R. S. 39:4-64, or by any*
26 *other law. Such penalty shall be collected by the Department of*
27 *Environmental Protection pursuant to the provisions of “the pen-*
28 *alty enforcement law” (N. J. S. 2A:58-1 et seq.).*

1 24. a. *Nothing in this act shall be construed to authorize or per-*
2 *mit the exportation of any ground or surface waters from the pine-*
3 *lands area.*

4 *b. Nothing in this act shall be construed to authorize any regu-*
5 *lation of hunting, fishing, trapping or possession of wildlife, or*
6 *other recreational activities in the pinelands area, except as other-*
7 *wise provided in section 23 of this act or by Title 13 or Title 23 of*
8 *the Revised Statutes.*

1 25. *The commission is hereby authorized to adopt rules and*
 2 *regulations which impose a surcharge of up to \$1.00 upon any fee*
 3 *currently levied and collected, pursuant to law, for the use of State-*
 4 *owned lands within the pinelands area. All of the sums collected*
 5 *as a result of any such surcharge shall be deposited in a fund to*
 6 *be known as the "Pinelands Fund," which fund shall be kept sep-*
 7 *arate from all other State receipts. There shall be appropriated*
 8 *annually from such fund, in accordance with a formula adopted by*
 9 *the commission, such revenue as may be available to defray the*
 10 *costs of payments in lieu-of-taxes, as herein provided, to munici-*
 11 *palities located in whole or in part in the pinelands area.**

1 ***[23.]*** *26.* It is the intent of the Legislature that, except as
 2 otherwise specifically provided in this act, in the event of any con-
 3 flict or inconsistency in the provisions of this act and any other acts
 4 pertaining to matters herein established or provided for or in any
 5 rules and regulations adopted under this act or said other acts, to
 6 the extent of such conflict or inconsistency, the provisions of this act
 7 and the rules and regulations adopted hereunder shall be enforced
 8 and the provisions of such other acts and rules and regulations
 9 adopted thereunder shall be of no force and effect.

1 ***[24.]*** *27.* If any section, part, phrase, or provision of this act
 2 or the application thereof to any person be adjudged invalid by any
 3 court of competent jurisdiction, such judgment shall be confined in
 4 its operation to the section, part, phrase, provision, or application
 5 directly involved in the controversy in which such judgment shall
 6 have been rendered and it shall not affect or impair the validity
 7 of the remainder of this act or the application thereof to other
 8 persons.

1 ***[25.]*** *28.* The object, design and purpose of this act being
 2 the protection of the pinelands area and the resources thereof, this
 3 act shall be liberally construed.

1 ***[26.]*** *29.* P. L. 1971, c. 417 (C. 13:18-1 et seq.) is repealed.

1 ***[27.]*** *30.* There is hereby appropriated to the ***[commis-**
 2 **sion]*** *Department of Environmental Protection*, in order to
 3 effectuate the purposes and provisions of this act and the Federal
 4 Act, such sums as may be appropriated and provided to this State
 5 pursuant to the Federal Act.

1 ***[28.]*** *31.* This act shall take effect immediately.

SENATE, No. 3091

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1979

By Senators MERLINO and YATES

Referred to Committee on Energy and Environment

AN ACT concerning the development and use of land in the pinelands area, providing for the planning and management thereof, creating a Pinelands Commission, prescribing the jurisdiction, powers and duties thereof, supplementing Title 13 of the Revised Statutes, and repealing P. L. 1971, c. 417.

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

1 1. This act shall be known and may be cited as the "Pinelands
2 Protection Act."

1 2. The Legislature hereby finds and declares that the pinelands
2 area comprises pine-oak forests, cedar swamps, and extensive
3 surface and ground water resources of high quality which provide
4 a unique habitat for a wide diversity of rare, threatened and
5 endangered plant and animal species and contains many other
6 significant and unique natural, ecological, agricultural, scenic, cul-
7 tural and recreational resources; that the continued viability of
8 such area and resources is threatened by pressures for residential,
9 commercial and industrial development; that the protection of such
10 area and resources is in the interests of the people of this State
11 and of the Nation; that such protection will require the coordi-
12 nated efforts of all relevant municipal, county, State and Federal
13 agencies; that the Congress and President of the United States have
14 demonstrated a recognition of these facts through the enactment
15 of section 502 of the "National Parks and Recreation Act of 1978"
16 (PL 95-625); and, that it is now necessary to implement the afore-
17 cited Federal Act and insure the realization of pinelands protec-
18 tion through the establishment of a regional planning and
19 management commission empowered to prepare and oversee the
20 implementation of a comprehensive management plan for the pine-
21 lands area.

22 The Legislature further finds and declares that a certain portion
23 of the pinelands area is especially vulnerable to the environmental
24 degradation of surface and ground waters which would be occa-
25 sioned by the improper development or use thereof; that the degra-
26 dation of such waters would result in a severe adverse impact
27 upon the entire pinelands area; that it is necessary to designate
28 this portion as a preservation area, wherein more stringent re-
29 strictions on the development and use of land should be utilized
30 and public acquisition of land or interests therein should be con-
31 centrated; and, that in order to facilitate such acquisition, and
32 otherwise to effectuate the provisions of this act and the Federal
33 Act, it is further necessary to establish certain notice requirements
34 and procedures for the purchase of land or interests therein in
35 such area.

36 The Legislature further finds and declares that the current pace
37 of random and uncoordinated development and construction in the
38 pinelands area poses an immediate threat to the resources thereof,
39 especially to the survival of rare, threatened and endangered plant
40 and animal species and to the maintenance of the existing high
41 quality of surface and ground waters; that such development and
42 construction increase the risk and extent of destruction of life and
43 property which could be caused by the natural cycle of forest fires
44 in this unique area; and, that, in order to effectuate the purposes
45 and provisions of this act and the Federal Act, it is necessary to
46 impose certain interim limitations upon the local approval of ap-
47 plications for development in the preservation area, and upon
48 certain State and local approvals in the pinelands area, all as here-
49 inafter provided.

1 3. As used in this act:

2 a. "Application for development" means the application form
3 and all accompanying documents required by municipal ordinance
4 for approval of a subdivision plat, site plan, planned development,
5 conditional use, zoning variance or other permit as provided in
6 the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1
7 et seq.), for any use, development or construction other than the
8 improvement, expansion or reconstruction of any single-family
9 dwelling unit or appurtenance thereto, or the improvement, addi-
10 tion, expansion or reconstruction of any structure used exclusively
11 for agricultural or horticultural purposes;

12 b. "Commission" means the Pinelands Commission created by
13 section 4 of this act;

14 c. "Comprehensive management plan" means the plan prepared
15 and adopted by the commission pursuant to section 7 of this act;

16 d. "Federal Act" means section 502 of the "National Parks
17 and Recreation Act of 1978" (PL 95-625);

18 e. "Major development" means any division or subdivision of
19 land into five or more parcels; any construction or expansion of
20 any housing development of five or more dwelling units; any con-
21 struction or expansion of any commercial or industrial use or
22 structure on a site of more than 3 acres; or any grading, clearing
23 or disturbance of any area in excess of 5,000 square feet for other
24 than agricultural or horticultural purposes;

25 f. "Pinelands area" means that area so designated by subsec-
26 tion a. of section 10 of this act;

27 g. "Pinelands National Reserve" means the approximately
28 1,000,000 acre area so designated by the Federal Act and generally
29 depicted on the map entitled "Pinelands National Reserve Boun-
30 dary Map" numbered NPS/80,011A and dated September, 1978;

31 h. "Preservation area" means that portion of the pinelands
32 area so designated by subsection b. of section 10 of this act.

1 4. a. There is hereby established a public body corporate and
2 politic, with corporate succession, to be known as the "Pinelands
3 Commission." The commission shall constitute a political sub-
4 division of the State established as an instrumentality exercising
5 public and essential governmental functions, and the exercise by
6 the commission of the powers and duties conferred by this act and
7 by the Federal Act shall be deemed and held to be an essential
8 governmental function of the State. For the purpose of complying
9 with the provisions of Article V, Section IV, paragraph 1 of the
10 New Jersey Constitution, the commission is hereby allocated
11 within the Department of Environmental Protection, but, notwith-
12 standing said allocation, the commission shall be independent of
13 any supervision or control by such department or by the commis-
14 sioner or any officer or employee thereof.

15 b. In addition to the powers and duties herein provided, the
16 Pinelands Commission shall constitute and exercise, as herein-
17 after provided, all the powers and duties of the planning entity
18 authorized in the Federal Act.

1 5. a. The commission shall consist of 15 members to be appointed
2 and qualified as follows:

3 (1) Seven residents of the State, appointed by the Governor;

4 (2) Seven residents of the State, one resident each of the
5 counties of Atlantic, Burlington, Camden, Cape May, Cumberland,

6 Gloucester and Ocean, appointed by the board of chosen freeholders
7 of each such county; provided, however, that in any county operat-
8 ing under the county executive plan or county supervisor plan
9 pursuant to the provisions of the "Optional County Charter Law"
10 P. L. 1972, c. 154 (C. 40:41A-1 et seq.), such appointment shall be
11 made by the county executive or the county supervisor, as the
12 case may be;

13 (3) One member to be appointed by the Secretary of the United
14 States Department of the Interior.

15 Any appointments made prior to the effective date of this act by
16 the Governor or by any of the respective counties to the planning
17 entity established pursuant to the Federal Act shall be considered
18 appointments made to the commission.

19 b. Commission members shall serve for terms of 3 years; pro-
20 vided, however, that of the first members appointed by the Gov-
21 ernor, two shall serve 3 year terms, two shall serve 2 year terms
22 and three shall serve 1 year terms; and provided further, however,
23 that of the first members appointed by the respective counties,
24 such members appointed from Atlantic and Burlington counties
25 shall serve 1 year terms, such members appointed from Camden
26 and Cape May counties shall serve 2 year terms, and such members
27 appointed from Cumberland, Gloucester and Ocean counties shall
28 serve 3 year terms. Each member shall serve for the term of his
29 appointment and until his successor shall have been appointed and
30 qualified. Any vacancy shall be filled in the same manner as the
31 original appointment for the unexpired term only. The membership
32 of the entire commission shall include residents of the pinelands
33 area who represent economic activities, such as agriculture, in the
34 area, as well as residents of the State who represent conservation
35 interests.

36 c. Any member of the commission may be removed by the
37 appointing authority, for cause, after a public hearing.

38 d. Each member of the commission, before entering upon his
39 duties, shall take and subscribe an oath to perform the duties of
40 his office faithfully, impartially, and justly to the best of his
41 ability. A record of such oaths shall be filed in the Office of the
42 Secretary of State.

43 e. The members of the commission shall serve without compensa-
44 tion, but the commission may, within the limits of funds appro-
45 priated or otherwise made available for such purposes, reimburse
46 its members for necessary expenses incurred in the discharge of
47 their official duties.

48 f. The powers of the commission shall be vested in the members
49 thereof in office, and a majority of the total authorized membership
50 of the commission shall be required to exercise its powers at any
51 meeting thereof, except as otherwise expressly provided by this
52 act.

53 g. The Governor shall designate one of the members of the
54 commission as chairman and shall appoint an executive director,
55 who shall be the chief administrative officer of the commission. The
56 executive director shall serve at the pleasure of the Governor,
57 and shall be a person qualified by training and experience to per-
58 form the duties of his office.

59 h. A true copy of the minutes of every meeting of the commission
60 shall be prepared and forthwith delivered to the Governor. No
61 action taken at such meeting by the commission shall have force
62 or effect until 10 days, exclusive of Saturdays, Sundays and public
63 holidays, after such copy of the minutes shall have been so deliv-
64 ered. If, in said 10-day period, the Governor returns such copy of
65 the minutes with a veto of any action taken by the commission at
66 such meeting, such action shall be null and void and of no force
67 and effect.

1 6. The Pinelands Commission shall have the following powers:

2 a. To adopt and from time to time amend and repeal suitable
2A by-laws for the management of its affairs;

3 b. To adopt and use an official seal and alter the same at its
4 pleasure;

5 c. To maintain an office at such place or places in the pinelands
6 area as it may designate;

7 d. To sue and be sued in its own name;

8 e. To appoint, retain and employ, without regard to the pro-
9 visions of Title 11 of the Revised Statutes but within the limits
10 of funds appropriated or otherwise made available for such pur-
11 poses, such officers, agents, employees and experts as it may require,
12 and to determine the qualifications, terms of office, duties, services
13 and compensation therefor;

14 f. To apply for, receive, and accept, from any Federal, State, or
15 other public or private source, grants or loans for, or in aid of,
16 the commission's authorized purposes;

17 g. To enter into any and all agreements or contracts, execute any
18 and all instruments, and do and perform any and all acts or things
19 necessary, convenient, or desirable for the purposes of the com-
20 mission or to carry out any power expressly given in this act;

21 h. To conduct examinations and investigations, to hear testi-
22 mony, taken under oath at public or private hearings, on any

23 material matter, and to require attendance of witnesses and the
24 production of books and papers;

25 i. To prepare and transmit to the Commissioner of Environ-
26 mental Protection such recommendations for water quality
27 standards for surface and ground waters in the pinelands area, or
28 in tributaries and watersheds thereof, as the commission deems
29 appropriate;

30 j. To prepare, promulgate, adopt, amend or repeal, pursuant to
31 the provisions of the "Administrative Procedure Act," P. L. 1968,
32 c. 410 (C. 52:14B-1 et seq.), such rules and regulations as are
33 necessary in order to implement the provisions of this act;

34 k. To appoint advisory boards, commissions, or panels to assist
35 in its activities;

36 l. To identify those lands in which the public acquisition of a
37 fee simple or lesser interest therein is necessary or desirable in
37A order to effectuate the purposes of this act, and to transmit such
38 identifications to the affected local governments and to the Com-
39 missioner of Environmental Protection;

40 m. To call to its assistance and avail itself of the services of such
41 employees of any State, county or municipal department, board,
42 commission or agency as may be required and made available for
43 such purposes.

1 7. The commission shall, within 18 months of the effective date of
2 this act, and after public hearings held in the pinelands area and
3 in other areas of the State at places of its choosing, prepare and
4 adopt a comprehensive management plan for the pinelands area.
5 Such plan shall be periodically revised and updated, after public
6 hearings, and shall include, but need not necessarily be limited to:

7 a. A resource assessment which:

8 (1) Determines the amount and type of human development and
9 activity which the ecosystem of the pinelands area can sustain
10 while still maintaining the overall ecological values thereof, with
11 special reference to ground and surface water supply and quality;
12 natural hazards, including fire; endangered, unique, and unusual
13 plants and animals and biotic communities; ecological factors relat-
14 ing to the protection and enhancement of blueberry and cranberry
15 production and other agricultural activity; air quality; and other
16 appropriate considerations affecting the ecological integrity of
17 the pinelands area; and

18 (2) Includes an assessment of scenic, aesthetic, cultural, open
19 space, and outdoor recreation resources of the area, together with a
20 determination of overall policies required to maintain and enhance
21 such resources.

22 b. A map showing the detailed boundary of the Pinelands Na-
23 tional Reserve, such map to delineate:

24 (1) Major areas within the boundary which are of critical
25 ecological importance;

26 (2) Major areas and resources adjacent to the boundary that
27 have significance to the ecological integrity of the Pinelands
28 National Reserve; and

29 (3) Areas of scenic, open space, cultural, and recreational
30 significance.

31 c. The map prepared pursuant to subsection c. of section 10 of
32 this act.

33 d. A land use capability map and a comprehensive statement
34 of policies for planning and managing the development and use
35 of land in the pinelands area, which policies shall:

36 (1) Consider and detail the application of a variety of land
37 and water protection and management techniques, including but not
38 limited to, zoning and regulation derived from State and local police
39 powers, development and use standards, permit systems, acquisi-
40 tion of conservation easements and other interests in land, public
41 access agreements with private landowners, purchase of land for
42 resale or lease-back, fee acquisition of public recreation sites and
43 ecologically sensitive areas, and any other appropriate method of
44 land and water protection and management which will help meet the
45 goals and carry out the policies of the management plan;

46 (2) Include a policy for the use of State and local police power
47 responsibilities to the greatest extent practicable to regulate the
48 use of land and water resources in a manner consistent with the
49 purposes and provisions of this act and the Federal Act; and

50 (3) Recognize existing economic activities within the area and
51 provide for the protection and enhancement of such activities as
52 farming, forestry, proprietary recreational facilities, and those
53 indigenous industries and commercial and residential develop-
54 ments which are consistent with such purposes and provisions.

55 e. A coordination and consistency component which details the
56 ways in which local, State, and Federal programs and policies
57 may best be coordinated to promote the goals and policies of the
58 management plan, and which details how land, water, and struc-
59 tures managed by governmental or nongovernmental entities in the
60 public interest within the pinelands area may be integrated into
61 the management plan.

62 f. A public use component including, but not limited to, a detailed
63 program to inform the public of appropriate uses of the pinelands
64 area.

65 g. A financial component, together with a cash flow timetable
66 which:

67 (1) Details the cost of implementing the management plan, in-
68 cluding, but not limited to, payments in lieu-of-taxes, general
69 administrative costs, and any anticipated extraordinary or con-
70 tinuing costs; and

71 (2) Details the sources of revenue for covering such costs, in-
72 cluding, but not limited to, grants, donations, and loans from local,
73 State, and Federal departments and agencies, and from the private
74 sector.

75 h. A program to provide for the maximum feasible local govern-
76 ment and public participation in the management of the pinelands
77 area.

78 i. A program for State and local governmental implementation
79 of the comprehensive management plan and the various elements
80 thereof in a manner that will insure the continued, uniform, and
81 consistent protection of the pinelands area in accord with the pur-
82 poses and provisions of this act and the Federal Act, including:

83 (1) Minimum standards for the adoption, as required in section
84 11 of this act, of municipal and county plans and ordinances con-
85 cerning the development and use of land in the pinelands area,
86 including, but not limited to, standards for minimum lot sizes and
87 stream setbacks, maximum appropriate population densities, and
88 regulated or prohibited uses for specific portions of the pinelands
89 area; and

90 (2) Such guidelines for any State or local agencies as may be
91 prepared by the commission pursuant to section 12 hereof.

92 j. In conjunction with existing State programs and planning
93 processes, a plan to implement the provisions of the "Clean Water
94 Act" (PL 95-217) and the "Safe Drinking Water Act"
95 (PL 93-523) which pertain to the surface and ground water of the
96 Pinelands National Reserve;

97 k. The report transmitted to the commission by the Department
98 of Environmental Protection pursuant to section 22 of this act.

1 8. a. The goals of the comprehensive management plan with
2 respect to the pinelands area shall be to:

3 (1) Preserve and maintain the essential character of the existing
4 pinelands environment, including the plant and animal species indi-
5 genous thereto;

6 (2) Protect and maintain the quality of surface and ground
7 waters;

8 (3) Promote the continuation and expansion of indigenous agri-
9 cultural and horticultural uses;

10 (4) Discourage piecemeal and scattered development; and

11 (5) Encourage appropriate patterns of compatible residential,
12 commercial and industrial development, in or adjacent to areas
13 already utilized for such purposes, in order to accommodate
14 regional growth influences in an orderly way while protecting the
15 pinelands environment from the individual and cumulative adverse
16 impacts thereof.

17 b. The goals of the comprehensive management plan with respect
18 to the preservation area shall be to:

19 (1) Preserve an extensive and contiguous area of land in its
20 natural state, thereby insuring the continuation of a pinelands
21 wilderness which contains the unique and significant ecological and
22 other resources representative of the pinelands area;

23 (2) Promote compatible agricultural, horticultural and recrea-
24 tional uses within the framework of maintaining a wilderness
25 environment;

26 (3) Prohibit any construction or development which is incom-
27 patible with the preservation of this unique area;

28 (4) Provide a sufficient amount of undeveloped land to accom-
29 modate specific wilderness management practices, such as selective
30 burning, which are necessary to maintain the special ecology of
31 the preservation area; and

32 (5) Protect and preserve the quantity and quality of existing
33 surface and ground waters.

1 9. a. During the development of the comprehensive management
2 plan, the commission shall consult with appropriate officials of
3 local governments and State or Federal agencies with jurisdiction
4 over lands and waters within the pinelands area, with interested
5 professional, scientific, and citizen organizations, and with any
6 citizens advisory committee which may be established by the
7 Governor. The commission shall review all relevant existing infor-
8 mation and studies on the pinelands area including, but not limited
9 to, the report of the committee created pursuant to Executive
10 Order 56, issued May 28, 1977.

11 b. Upon the adoption thereof, the comprehensive management
12 plan shall be submitted to the Governor and to the Legislature.
13 The commission shall further submit such plan to the Secretary of
14 the United States Department of Interior, as provided in the
15 Federal Act.

16 c. Subsequent to the adoption of the comprehensive management
17 plan, the provisions of any other law, ordinance, rule or regulation
18 to the contrary notwithstanding, no application for development

19 within the pinelands area shall be approved by any municipality,
20 county or agency thereof, and no State approval, certificate, license,
21 consent, permit, or financial assistance for the construction of any
22 structure or the disturbance of any land within such area shall be
23 granted, unless such approval or grant conforms to the provisions
24 of such comprehensive management plan; provided, however, that
25 the commission, by a two-thirds vote of its total membership, is
26 hereby authorized to waive strict compliance with such plan or
27 with any element or standard contained therein, upon finding that
28 such waiver is necessary to alleviate extraordinary hardship or
29 to satisfy a compelling public need, is consistent with the purposes
30 and provisions of this act and the Federal Act, and would not
31 result in substantial impairment of the resources of the pinelands
32 area.

1 10. a. The pinelands area shall consist of all that area within the
2 boundaries described herein:

3 Beginning at the intersection of the abandoned-right-of-way of
4 the Pennsylvania Railroad and the Garden State Parkway near
5 south Toms River; thence southerly along the Garden State Park-
6 way to its intersection with the boundary of the Bass River State
7 Forest; thence southerly, and then westerly, along the Bass River
8 State Forest boundary to its intersection with the Garden State
9 Parkway; thence southerly along the Garden State Parkway to its
10 intersection with Atlantic County Alternate Route 559; thence
11 northwesterly along Atlantic County Alternate Route 559 to its
12 intersection with Atlantic County Route 559 at Gravelly Run;
13 thence northwesterly along Atlantic County Route 559 to its
14 intersection with U. S. 40 and N. J. Route 50 at Mays Landing;
15 thence westerly along U. S. 40 and N. J. Route 50 to their
16 intersection with N. J. Route 50; thence southerly on N. J. Route 50
17 to its intersection with Buck Hill Road near Buck Hill; thence
18 westerly along Buck Hill Road (River Road) to its intersection
19 with N. J. Route 49; thence southeasterly along N. J. Route 49 to
20 its intersection with N. J. Route 50; thence southeasterly along
21 N. J. Route 50 to its intersection with Cape May County Route 610;
22 thence southwesterly along Cape May County Route 610 to its
23 intersection with N. J. Route 47 at Dennisville; thence north-
24 westerly along N. J. Route 47 to its intersection with the east bank
25 of the Manamuskin River; thence northerly along the east bank
26 of the Manamuskin River to N. J. Route 49; thence northwesterly
27 along N. J. Route 49 to its intersection with Cumberland County
28 Route 671; thence northerly along Cumberland County Route 671
29 and then Atlantic County Route 671 (both known as Union Road)

30 to Atlantic County Route 557; thence northwesterly along
31 Atlantic County Route 557 to its intersection with U. S. Route 40;
32 thence northwesterly along U. S. Route 40 to its intersection with
33 Gloucester County Route 555; thence northerly along Gloucester
34 County Route 555 to its intersection with U. S. Route 322 and
35 Gloucester County Route 536; thence easterly along Gloucester
36 County Route 536 (known as New Brooklyn Road) to its inter-
37 section with Camden County Route 705 at New Brooklyn Lake;
38 thence northerly along the western shoreline of New Brooklyn
39 Lake to the east bank of the main stem of the Great Egg Harbor
40 River; thence northerly along the east bank of the main stem of the
41 Great Egg Harbor River to its intersection with the east bank of
42 Tinkers Branch; thence northeasterly along the east bank of
43 Tinkers Branch to its intersection with the corporate boundary of
44 Berlin Borough; thence easterly along the Berlin Borough cor-
45 porate boundary to its intersection with the boundary of that area
46 designated as the critical area for sewerage purposes pursuant to
47 the provisions of P. L. 1954, c. 199 (C. 58:11-23 et seq.), as
48 amended and as implemented by N. J. A. C. 7:9-10.1 et seq.;
49 thence northerly and then easterly along such critical area
50 boundary to its intersection with the Burlington County-Camden
51 County boundary; thence northerly along the Burlington County-
52 Camden County boundary to its intersection with N. J. Route 73;
53 thence northerly along N. J. Route 73 to its intersection with
54 N. J. Route 70; thence easterly along N. J. Route 70 to its inter-
55 section with U. S. Route 206; thence northerly along U. S. Route
56 206 to its intersection with Burlington County Route 530; thence
57 easterly along Burlington County Route 530 to the corporate
58 boundary of Pemberton Borough; thence southerly, then easterly,
59 then northerly, and then westerly, along the Pemberton Borough
60 corporate boundary to its intersection with Burlington County
61 Route 616; thence northerly along Burlington County Route 616
62 to its intersection with Burlington County Route 663; thence
63 northerly along Burlington County Route 663 to its intersection
64 with the corporate boundary of Springfield Township; thence
65 easterly along the Springfield Township corporate boundary to its
66 intersection with the boundary of the Fort Dix Military Reserva-
67 tion/McGuire Air Force Base; thence easterly along the boundary
68 of the Fort Dix Military Reservation/McGuire Air Force Base to
69 its intersection with Ocean County Route 539; thence northwesterly
70 along Ocean County Route 539 to its intersection with Ocean
71 County Route 528; thence northeasterly along Ocean County
72 Route 528 to its intersection with Ocean County Route 547; thence

73 southerly along Ocean County Route 547 to its intersection with
74 Ocean County Route 527; thence southeasterly along Ocean County
75 Route 527 to its intersection with the Central Railroad of New
76 Jersey tracks; thence southwesterly along the tracks of the Central
77 Railroad of New Jersey to the junction with the abandoned right-
78 of-way of the Pennsylvania Railroad near Whiting; thence easterly
79 along the abandoned Pennsylvania Railroad right-of-way to its
80 intersection with the Garden State Parkway near South Toms
81 River, at the point of origin.

82 b. The preservation area shall consist of all that area within
83 the boundaries described herein:

84 Beginning at the crossing of the Mullica River and the Garden
85 State Parkway; thence southerly along the Garden State Parkway
86 to its intersection with Atlantic County Route 624; thence north-
87 westerly along Atlantic County Route 624 to its intersection with
88 Atlantic County Route 563; thence northwesterly along Atlantic
89 County Route 563 to its intersection with Elwood-Weekstown Road
90 at Weekstown; thence westerly along Elwood-Weekstown Road to
91 its intersection with Atlantic County Route 643; thence north-
92 westerly along Atlantic County Route 643 to an unnamed local road
93 south of Nescochague Lake; thence westerly along such unnamed
94 local road to its intersection with Atlantic County Route 542;
95 thence northeasterly along Atlantic County Route 542 to its inter-
96 section with the boundary of Wharton State Forest; thence
97 northwesterly along the Wharton State Forest boundary to its
98 intersection with Burlington County Route 648; thence north-
99 easterly along Burlington County Route 648 to its intersection
100 with U. S. 206; thence northerly along U. S. 206 to its intersection
101 with Burlington County Route 532; thence easterly on Burlington
102 County Route 532 to its intersection with Patty Bowker Road and
103 Irick's Causeway Road; thence easterly along Irick's Causeway
104 Road to its intersection with Vincentown-South Park Road; thence
105 southeasterly along Vincentown-South Park Road to its inter-
106 section with Sooy Road; thence easterly along Sooy Road to its
107 intersection with the corporate boundary of Woodland Township;
108 thence northwesterly, then northeasterly, along the Woodland
109 Township corporate boundary to its intersection with the boundary
110 of Lebanon State Forest and Burlington County Route 644 at
111 Four Mile Circle; thence northwesterly, then northeasterly, then
112 southeasterly, along the Lebanon State Forest boundary to its
113 intersection with N. J. Route 70; thence northeasterly along
114 N. J. Route 70 to its intersection with the Lebanon State Forest
115 boundary at a point approximately one-half mile west of the

116 intersection of N. J. Route 70 and Burlington County Route 530;
117 thence westerly, and then northerly, along the Lebanon State
118 Forest boundary to its intersection with the boundary of the Fort
119 Dix Military Reservation near South Boundary Road; thence
120 northwesterly along the Fort Dix Military Reservation boundary
121 to its intersection with Burlington County Route 667; thence
122 northerly along Burlington County Route 667 to its intersection
123 with the northern boundary of the Fort Dix Military Reservation;
124 thence easterly along the Fort Dix Military Reservation boundary
125 to the boundary of the Colliers Mills Fish and Wildlife Manage-
126 ment Area; thence northerly along the Colliers Mills Fish and
127 Wildlife Management Area boundary to its intersection with
128 Ocean County Route 528; thence northeasterly along Ocean County
129 Route 528 to its easternmost intersection with the Colliers Mills
130 Fish and Wildlife Management Area boundary; thence southerly
131 along the Colliers Mills Fish and Wildlife Management Area
132 boundary to its intersection with the boundary of the Lakehurst
133 Naval Air Station; thence easterly, then southerly, and then
134 westerly along the Lakehurst Naval Air Station boundary to its
135 intersection with an unnamed local road at the northeastern corner
136 of the boundary of the Manchester Fish and Wildlife Management
137 Area; thence southerly along such unnamed local road, then along
138 Beckerville Road, to its intersection with N. J. Route 70; thence
139 southwesterly along N. J. Route 70 to its intersection with the
140 boundary of the Fort Dix Military Reservation; thence southerly,
141 and then northwesterly, along the Fort Dix Military Reservation
142 boundary to its intersection with the boundary of the Lebanon
143 State Forest; thence southerly along the Lebanon State Forest
144 boundary to its intersection with the boundary of the Pasadena
145 Fish and Wildlife Management Area; thence southeasterly along
146 the Pasadena Fish and Wildlife Management Area boundary to
147 its intersection with the northern ridge line of the Cedar Creek
148 Drainage Basin; thence northeasterly along the northern
149 ridge line of the Cedar Creek Drainage Basin to its inter-
150 section with the Garden State Parkway; thence southerly
151 along the Garden State Parkway to its intersection with
152 the southern ridge line of the Cedar Creek Drainage Basin;
153 thence southwesterly along the southern ridge line of the
154 Cedar Creek Drainage Basin to its intersection with the boundary
155 of the Greenwood Forest Fish and Wildlife Management Area;
156 thence southeasterly along the Greenwood Forest Fish and
157 Wildlife Management Area to its intersection with N. J. Route 72;
158 thence northwesterly along N. J. Route 72 to its intersection with

159 the East Branch of the Oswego River; thence southerly along the
160 East Branch of the Oswego River to its intersection with Ocean
161 County Route 539; thence southerly along Ocean County Route 539
162 to its intersection with the boundary of the Stafford Forge Fish
163 and Wildlife Management Area; thence southeasterly along the
164 Stafford Forge Fish and Wildlife Management Area to its inter-
165 section with the north bank of Governors Branch Creek; thence
166 easterly along the north bank of Governors Branch Creek to its
167 intersection with the boundary of the Stafford Forge Fish and
168 Wildlife Management Area; thence easterly along the Stafford
169 Forge Fish and Wildlife Management Area boundary to its inter-
170 section with the Garden State Parkway; thence southerly along
171 the Garden State Parkway to its intersection with the boundary of
172 Bass River State Forest; thence southerly, and then westerly,
173 along the Bass River State Forest boundary to its intersection
174 with the Garden State Parkway; thence southerly along the Garden
175 State Parkway to its intersection with the east bank of the Bass
176 River; thence northerly along the east bank of the Bass River to
177 its intersection with the east bank of the East Branch of the Bass
178 River; thence northerly along the east bank of the East Branch of
179 the Bass River to its intersection with the Atlantic City Electric
180 Company transmission line; thence westerly, and then south-
181 westerly, along the Atlantic City Electric Company transmission
182 line to its intersection with Burlington County Route 542; thence
183 easterly along Burlington County Route 524 to its intersection with
184 Burlington County Route 167; thence southerly along Burlington
185 County Route 167 to its intersection with the Garden State Park-
186 way at exit 50S; thence southerly along the Garden State Parkway
187 to the crossing of the Mullica River, at the point of origin.

188-190 c. The commission shall, within 120 days of the effective date of
191 this act, prepare a detailed map of the Pinelands National Reserve,
192 the pinelands area and the preservation area. Such map shall
193 include, but need not be limited to, the location of all major
194 waterways, roads, and publicly-owned lands in such areas, as well
195 as a depiction of the boundaries of every county and municipality
196 which is located in whole or part within such areas. Such map shall
197 be transmitted to the governing body of every such county and
198 municipality, shall be published in the New Jersey Register and in
199 at least two newspapers circulating within the affected areas,
200 within 150 days of said effective date, and shall be submitted to
201 the Governor and the Legislature as the official State maps of the
202 Pinelands National Reserve, the pinelands area and the preserva-
203 tion area.

1 11. a. The provisions of any other law, ordinance, rule or regula-
2 tion to the contrary notwithstanding, within 1 year of the date of
3 the adoption of the comprehensive management plan, or any re-
4 vision thereof, each county located in whole or in part in the pine-
5 lands area shall submit to the commission such revisions of the
6 county master plan as may be necessary in order to implement the
7 objectives of the comprehensive management plan and conform
8 with the minimum standards contained therein. After receiving
9 and reviewing such revisions, as applicable to the development and
10 use of land in the pinelands area, the commission shall approve,
11 reject, or approve with conditions said revised plans, as it deems
12 appropriate, after public hearing, within 60 days of the submission
13 thereof.

14 Upon rejecting or conditionally approving any such revised
15 plan, the commission shall identify such changes therein that it
16 deems necessary for commission approval thereof, and the relevant
17 county shall adopt and enforce such plan, as so changed.

18 b. Within 1 year of the date of the adoption of the comprehensive
19 management plan, or any revision thereof, each municipality
20 located in whole or in part in the pinelands area shall submit to
21 the commission such revisions of the municipal master plan and
22 local land use ordinances as may be necessary in order to imple-
23 ment the objectives of the comprehensive management plan and
24 conform with the minimum standards contained therein. After
25 receiving and reviewing such revisions, as applicable to the develop-
26 ment and use of land in the pinelands area, the commission shall
27 approve, reject, or approve with conditions said revised plans and
28 ordinances, as it deems appropriate, after public hearing, within
29 120 days of the date of the submission thereof.

30 Upon rejecting or conditionally approving any such revised plan
31 or ordinance, the commission shall identify such changes therein
32 that it deems necessary for commission approval thereof, and the
33 relevant municipality shall adopt and enforce such plan or ordi-
34 nance, as so changed.

35 The commission may, as herein provided, delegate the review
36 of any municipal master plan or land use ordinance to the planning
37 board of the county wherein such municipality is located. Any
38 such delegation shall be made only: (1) by a majority vote of the
39 total authorized membership of the commission, upon a finding that
40 such delegation is consistent with the purposes and provisions of
41 this act and the Federal Act; (2) if the commission has approved
42 the master plan for such county; and, (3) at the request of the
43 governing body of such county. The results of any such county

44 planning board review shall be transmitted to the commission prior
45 to the commission's review and approval of any such municipal
46 master plan or ordinance.

47 c. In the event that any county or municipality fails to adopt or
48 enforce an approved revised master plan or implementing land
49 use ordinances, as the case may be, including any condition thereto
50 imposed by the commission, the commission shall adopt and enforce
51 such rules and regulations as may be necessary to implement the
52 minimum standards contained in the comprehensive management
53 plan as applicable to any such county or municipality.

54 d. Any approval of any application for development granted by
55 any municipality, county, or agency thereof in violation of the
56 provisions of this section shall be null and void and of no force
57 and effect at law or equity.

1 12. In order to assure that the actions, decisions, determinations
2 and rulings of the State, county and municipal governments shall,
3 to the maximum extent practicable and feasible, conform with the
4 comprehensive management plan adopted by the commission pur-
5 suant to section 7 of this act, the commission shall prepare,
6 periodically revise and transmit to all State, county or municipal
7 agencies empowered to finance or construct any capital project
8 within the pinelands area, and to all State agencies empowered to
9 grant or deny any approval, certificate, license, consent, or permit
10 for the construction of any structure or the disturbance of land
11 therein, such guidelines for the location and construction of such
12 capital projects or for the granting of any such approval, certificate,
13 license, consent, permit, or financial assistance, as the case may be,
14 as the commission deems necessary and appropriate.

1 13. Subsequent to the effective date of this act, the provisions
2 of any other law, ordinance, rule or regulation to the contrary
3 notwithstanding:

4 a. No State department, division, commission, authority, council,
5 agency or board shall grant any approval, certificate, license, con-
6 sent, permit or financial assistance for the construction of any
7 structure or the disturbance of any land within the pinelands area
8 prior to the adoption of the comprehensive management plan;
9 provided, however, that such grant may be made prior to such
10 adoption if the commission, by a two-thirds vote of its total author-
11 ized membership, finds that such grant is necessary to alleviate
12 extraordinary hardship or to satisfy a compelling public need, is
13 consistent with the purposes and provisions of this act and the
14 Federal Act, and would not result in substantial impairment of the
15 resources of the pinelands area;

16 b. No application for a major development in the pinelands area
17 shall be approved by any municipality, county or agency thereof,
18 prior to the adoption of the comprehensive management plan;
19 provided, however, that such an application may be approved if
20 the commission, by a two-thirds vote of its total authorized member-
21 ship, finds that such approval is necessary to alleviate extraordi-
22 nary hardship or to satisfy a compelling public need, is consistent
23 with the purposes and provisions of this act and the Federal Act,
24 and would not result in substantial impairment of the resources
25 the pinelands area.

26 c. No application for development in the preservation area shall
27 be approved by any municipality, county, or agency thereof prior
28 to the adoption of the comprehensive management plan and the
29 approval, pursuant to section 11 of this act, of the master plan and
30 land use ordinances applicable to any such municipality, county,
31 or agency thereof; provided, however, that such an application may
32 be approved prior to such adoption and approval if the commission,
33 by a two-thirds vote of its total authorized membership, finds that
34 such approval is necessary to alleviate extraordinary hardship or
35 to satisfy a compelling public need, is consistent with the purposes
36 and provisions of this act and the Federal Act, and would not result
37 in substantial impairment of the resources of the pinelands area.

38 d. Any approval, certificate, license, consent, permit, or financial
39 assistance granted in violation of this section shall be null and
40 void and of no force and effect at law or equity.

1 14. Subsequent to the adoption of the comprehensive manage-
2 ment plan, the commission is hereby authorized to commence a
3 review, within 15 days after any final municipal or county approval
4 thereof, of any application for development in the pinelands area.
5 Upon determining to exercise such authority, the commission shall
6 transmit written notice thereof to the person who submitted such
7 application. The commission shall approve, reject, or approve
8 with conditions any such application within 45 days of transmitting
9 such notice; provided, however, that such application shall not be
10 rejected or conditionally approved unless the commission deter-
11 mines, by a two-thirds vote of its total authorized membership,
12 that such development does not conform with the comprehensive
13 management plan or the minimum standards contained therein, as
14 applicable to the county or municipality wherein such development
15 is located, or that such development could result in substantial
16 impairment of the resources of the pinelands area. Such approval,
17 rejection or conditional approval shall be binding upon the person

18 who submitted such application, shall supersede any municipal or
19 county approval of any such development, and shall be subject only
20 to judicial review as provided in section 19 of this act.

1 15. The commission is hereby authorized to make grants to mu-
2 nicipalities and counties for any revision of local master plans or
3 the implementing ordinances thereto which is designed to bring
4 such plans and ordinances into conformance with the comprehen-
5 sive management plan prepared by the commission. The commis-
6 sion may make such grants from any State, Federal or other funds
7 which may be appropriated or otherwise made available to it for
8 such purpose.

1 16. a. No member, officer, employec, or agent of the commission
2 shall take any official action on any matter in which he has a direct
3 or indirect financial interest; provided, however, that the owner-
4 ship of, or tenancy in, one's own private residence shall not be
5 considered a financial interest for the purposes of this section;
6 and provided further, however, that nothing in this section shall
7 be construed so as to prohibit any such member from participating
8 in the preparation and approval of the comprehensive management
9 plan;

10 b. Any commission action taken or approval granted in violation
11 of this section is voidable;

12 c. Any person who shall willfully violate any provision of this
13 section shall forfeit his office or employment and shall be guilty
14 of a misdemeanor and be punished by a fine of not more than
15 \$7,500.00 or by imprisonment for not more than 18 months, or both
16 such fine and imprisonment.

1 17. The State Auditor shall conduct an annual audit of the com-
2 mission's activities pursuant to the provisions of chapter 24 of
3 Title 52 of the Revised Statutes.

1 18. On or before March 31 in each year the commission shall
2 make an annual report of its activities for the preceding calendar
3 year to the Governor and to the Legislature. Each such report
4 shall set forth a complete operating and financial statement cover-
5 ing its operations during the year.

1 19. Any person aggrieved by any decision rendered by the com-
2 mission pursuant to subsection e. of section 9 and sections 13 and
3 14 of this act may obtain judicial review thereof by the filing of
4 a petition in the Appellate Division of the Superior Court of New
5 Jersey within 45 days after the issuance of such decision. The
6 court shall have the power to grant such relief as it deems just
7 and proper, and to make and enter an order enforcing, modifying

8 and enforcing as so modified, remanding for further specific evi-
9 dence or findings, or setting aside in whole or in part, such decision
10 of the commission. The findings of fact on which such decision is
11 based shall be conclusive if supported by substantial evidence on
12 the record considered as a whole.

1 20. The commission shall, within 1 year of the effective date of
2 this act, prepare and submit to the Governor and Legislature a
3 report concerning State payments in lieu of taxes to municipalities
4 in the pinelands area wherein the State owns any land or interests
5 therein. Such report shall include an evaluation of the manner
6 of calculation and amount of such payments made or to be made
7 pursuant to the provisions of the "New Jersey Green Acres and
8 Recreation Opportunities Bond Act of 1974," P. L. 1974, c. 102;
9 P. L. 1977, c. 272 (C. 54:4-2.2a et seq.); and the "New Jersey
10 Green Acres Bond Act of 1978," P. L. 1978, c. 118, as well as the
11 recommendations of the commission for executive and legislative
12 action on additional or alternative proposals for such payments,
13 including the fiscal implications of any such proposal and potential
14 sources of funding therefor.

1 21. a. No person shall contract to sell any land within the pres-
2 ervation area, or any interest therein or option therefor, unless:

3 (1) Such person has provided the Commissioner of Environ-
4 mental Protection with a written notice of intention to sell such
5 land, interest, or option, and

6 (2) Such person has offered such commissioner the right of first
7 refusal to purchase such land, interest or option at a specified price,
8 and

9 (3) Such offer has not been acknowledged and accepted by such
10 commissioner within 60 days of the receipt thereof.

11 b. The Commissioner of Environmental Protection shall, within
12 30 days of the effective date of this act, transmit notice of the pro-
13 visions of this section to the governing body of every county and
14 municipality located in whole or in part in the preservation area,
15 and publish such notice in the New Jersey Register and in at least
16 two newspapers circulating within the affected areas.

17 c. Any contract made in violation of this section is hereby
18 declared to be void and unenforceable as contrary to public policy.

19 d. Nothing in this section shall be construed so as to limit any
20 authority granted the commissioner, pursuant to law, to acquire any
21 lands, or interests therein or options therefor, in such manner as
22 may be provided in such law.

1 22. In addition to the functions required pursuant to the "Coastal
2 Area Facility Review Act," P. L. 1973, c. 185 (C. 13:19-1 et seq.),
3 the Department of Environmental Protection shall, in consultation
4 with the commission and within 18 months of the effective date of
5 this act, review the environmental design for the coastal area as it
6 affects the planning and management of the development and use
7 of any land in the coastal area which is also within the boundaries
8 of the Pinelands National Reserve, make any necessary revisions
9 to such environmental design as may be necessary in order to
10 effectuate the purposes of this act and the Federal Act, and pre-
11 pare and transmit to the commission a report detailing the pro-
12 visions of the environmental design as so revised and as applicable
13 to such land.

1 23. It is the intent of the Legislature that, except as otherwise
2 specifically provided in this act, in the event of any conflict or
3 inconsistency in the provisions of this act and any other acts per-
4 taining to matters herein established or provided for or in any rules
5 and regulations adopted under this act or said other acts, to the
6 extent of such conflict or inconsistency, the provisions of this act
7 and the rules and regulations adopted hereunder shall be enforced
8 and the provisions of such other acts and rules and regulations
9 adopted thereunder shall be of no force and effect.

1 24. If any section, part, phrase, or provision of this act or the
2 application thereof to any person be adjudged invalid by any court
3 of competent jurisdiction, such judgment shall be confined in its
4 operation to the section, part, phrase, provision, or application
5 directly involved in the controversy in which such judgment shall
6 have been rendered and it shall not affect or impair the validity
7 of the remainder of this act or the application thereof to other
8 persons.

1 25. The object, design and purpose of this act being the protec-
2 tion of the pinelands area and the resources thereof, this act shall
3 be liberally construed.

1 26. P. L. 1971, c. 417 (C. 13:18-1 et seq.) is repealed.

1 27. There is hereby appropriated to the commission, in order to
2 effectuate the purposes and provisions of this act and the Federal
3 Act, such sums as may be appropriated and provided to this State
4 pursuant to the Federal Act.

1 28. This act shall take effect immediately.

STATEMENT

The Pinelands region is New Jersey's most priceless natural and environmental resource, containing the largest tracts of wilderness, scenic rivers, pure water and unique animal and plant life in the Nation's congested Northeastern metropolitan corridor. This bill will protect the Pinelands from incompatible development.

The bill creates a Pinelands Commission to fashion the comprehensive management plan which will govern land use in the pinelands area. Local governments would incorporate the plan into their zoning and master plans. In the meantime a moratorium would be placed on new development, which the commission could relax in individual cases of extraordinary hardship.

Section 3 of the bill exempts from the moratorium, or any State control, expansions to an individual's home or structural improvements for agricultural or horticultural purposes.

Section 5 constitutes the Pinelands Commission along the general guidelines set by recent Federal legislation: seven State-wide representatives; one representative appointed by each of the seven counties in which the protected area is located; and one representative appointed by the United States Secretary of the Interior. Members' terms would be for three years, the initial appointees serving staggered terms. The commission would have an executive director, and the Governor would review and could disapprove its minutes.

Section 7 requires the commission to adopt its comprehensive management plan for the Pinelands area within 18 months, including a specified resource assessment, detailed boundary of the Pinelands National Reserve, and a land use capability map for the Pinelands area.

Section 8 defines the goals which must inform the plan. Subsection 8a. specifically directs the plan for the Pinelands area to: (1) "preserve the essential character of the existing Pinelands development"; (2) maintain the Pineland's high water quality; (3) promote indigenous agricultural uses; (4) discourage piecemeal and scattered development; and (5) encourage compatible development in an orderly way. Subsection 8b. defines the plan's goals for the preservation area as: (1) preservation of an extensive area in its natural state, ensuring the continuation of a Pinelands wilderness; (2) promotion of compatible agricultural, horticultural and recrea-

tional uses within the framework of maintaining a wilderness environment; (3) prohibition of incompatible development; (4) provision of sufficient undeveloped land for needed wilderness management practices; and (5) protection of water quality.

Section 9 requires the comprehensive management plan to be submitted to the Governor and the Legislature, and provides that after its adoption any non-conforming use would have to receive commission approval by a two-thirds vote.

Section 10a. defines the pinelands area, 10b. the preservation area.

Section 11 requires counties and municipalities to revise their master plans and land use ordinances to implement the objectives of the comprehensive master plan and conform with its minimum standards.

Section 13 imposes a moratorium on development in the pinelands area prior to adoption of the comprehensive management plan. No State approvals could be granted in the Pinelands area, nor local approvals for major developments, during this interim period; similarly, no local approval could be given for any application for development within the preservation area. Exceptions would be allowed for individual cases of extraordinary hardship or compelling public need after a two-thirds vote by the commission.

Section 14 permits the commission to review a given application for development after a local government gives final approval if there are doubts that it is consistent with the plan's minimum standards, and the commission could modify or supersede such a local approval by a two-thirds vote.

Section 15 authorizes grants to local governments for revisions of their master plans and land use ordinances.

Section 16 prohibits conflicts of interest by commission members and staff.

Section 19 permits any person aggrieved by a commission decision on an application for development to appeal to the Superior Court.

Section 20 requires the commission to devise a payments-in-lieu plan for State land in the Pinelands area.

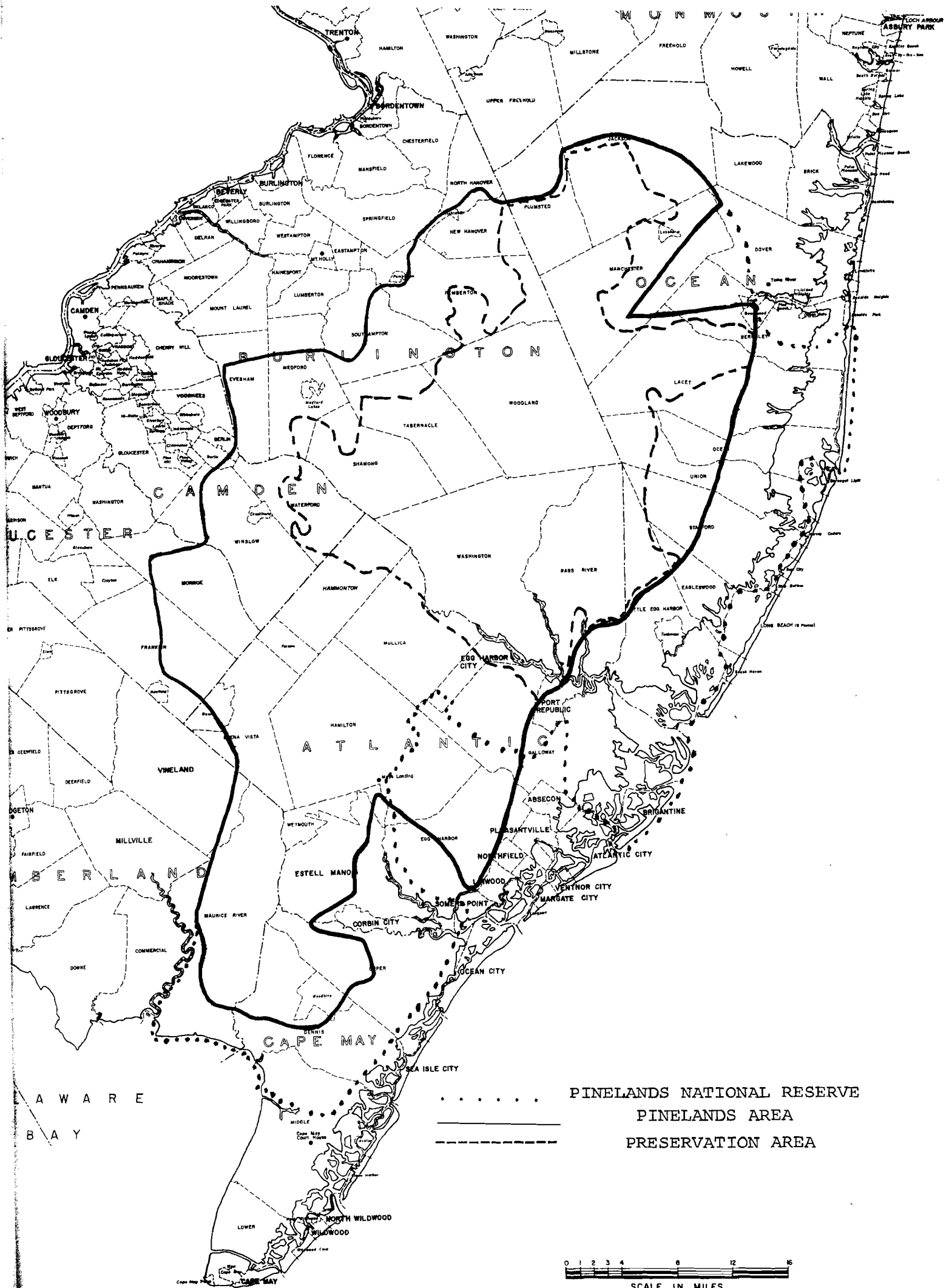
Section 21 requires any landowner selling land within the preservation area to give notice to the Commissioner of Environmental Protection, who would have right of first refusal to purchase the land.

Section 22 provides that any area of the Pinelands National Reserve in the CAFRA zone (but excluded from the Pinelands area) will continue to be administered by CAFRA with due attention to Pinelands goals.

Section 26 repeals the law establishing the Pinelands Environmental Council, a body of limited scope that was established in 1971 and which would now be replaced by the Pinelands Commission.

The following map indicates the approximate boundaries of the Pinelands National Reserve, the Pinelands area, and the preservation area.

(See map next page)



..... PINELANDS NATIONAL RESERVE
 _____ PINELANDS AREA
 - - - - - PRESERVATION AREA



ASSEMBLY ENERGY AND NATURAL
RESOURCES COMMITTEE

STATEMENT TO
SENATE, No. 3091
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 14, 1979

This bill would continue the planning entity which has already been established, pursuant to section 502 of P. L. 95-925, by Executive Order Number 71, issued February 8, 1979, and statutorily establish the Pinelands Commission. The members of the commission would be appointed as provided in the Federal Act: seven appointees of the Governor, one appointee of each of the seven affected counties, and one appointee of the U.S. Secretary of the Interior.

The commission would prepare and adopt by August 8, 1980, a comprehensive management plan for the pinelands area, again as provided by the Federal Act. This area is composed of a core "preservation" area and an outer "protection" area. The plan would contain minimum standards for the seven county and 55 municipal master plans and zoning ordinances which control the development and use of land in the pinelands area, which plans and ordinances would be revised to conform with such minimum standards within 1 year of the adoption of the comprehensive management plan. These revisions would be subject to the approval of the commission. Following such approval, local zoning procedures would proceed as normal, except that the commission could, by a majority vote, modify or supersede a local approval granted in violation of the plan.

Pending the adoption of the comprehensive management plan, the bill would impose restrictions upon (1) all State approvals necessary for the construction of any structure or the disturbance of land in the pinelands area, and on (2) all local approvals of major developments, as defined in subsection e. of section 3 of the bill. In the more environmentally-sensitive preservation area, an additional restriction would be placed upon any local approval of any application for development, until the comprehensive management plan is adopted and the respective county or municipality is operating under approved master plans or land use ordinances. Exemptions from these interim restrictions could be granted by the commission for cases of extraordinary hardship, compelling public need, or, in the protection area, for developments which are consistent with pinelands protection.

Other responsibilities of the commission would include (1) the evaluation of existing State payments in lieu of taxes to pinelands municipalities; (2) the identification of lands which should be acquired, for preservation or recreation purposes, as well as lands which would be subject to such severe restrictions that the owners thereof should be guaranteed just compensation; and (3) the adoption of standards for the granting of extraordinary hardship, compelling public need or "consistency" exemptions from the interim restrictions upon State and local development approvals.

A majority vote of the total authorized membership of the commission would be required for any commission actions. Minutes of commission meetings would be transmitted to the Governor and be subject to a gubernatorial veto thereof.

The Assembly Energy and Natural Resources Committee favorably reports this bill for Assembly consideration. During the course of its deliberations in this legislation, several issues were raised that the committee feels need further clarification. Hence, it is the sentiment of the committee on favorably reporting this legislation that the following considerations be made more specific:

1. Senate Bill No. 3091 OCR would encourage the continuation and expansion of agricultural and horticultural activities in the pinelands area. Specifically, Section 8 states that the goal of the comprehensive management plan shall be to "promote the continuation and expansion of agricultural and horticultural uses" in the protection area and to "promote compatible agricultural uses" in the preservation area. The committee understands the term "compatible" to mean agricultural activities which would not result in adverse environmental impacts.

2. The Department of Environmental Protection has agreed to request the Department of Banking to investigate current banking procedures and to monitor loan practices with respect to farming in the pinelands area.

3. The Department of Labor and Industry should update its prior study to more clearly assess the economic impact of this legislation.

4. In the preparation of the comprehensive management plan, the Pinelands Commission should review proposed developments which have already secured preliminary approval, as well as the various municipal master plans.

5. The Department of Environmental Protection should foster and promote specific guidelines for alternative technology procedures with respect to septic and sewer systems.

6. The Department of Environmental Protection should provide a Statewide public forum for the explanation of the "Pinelands Protection Act" to all interested parties and concerned citizens.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 3091

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 1979

The pinelands area of New Jersey constitutes a unique and significant State and national resource. Located approximately midway along the Boston-Atlanta development corridor, the pine-oak forests, wild and scenic rivers and cedar swamps of the pinelands area comprise vast undeveloped tracts of land which provide habitat for a wide diversity of rare, threatened and endangered plant and animal species and contain many other significant and unique ecological, historical, recreational, and other resources. In addition, this area overlies the estimated 17 trillion gallon Cohansey aquifer, one of the largest virtually untapped sources of pure water in the world.

Proposals for the preservation of this unique area have been put forth and discussed for several decades. In December of 1978, Congress and the President of the United States, through the enactment of section 502 of the "National Parks and Recreation Act of 1978" (PL 95-625, hereafter referred to as the Federal Act) established the one million plus acre Pinelands National Reserve. The Federal Act provides for the establishment of a planning entity to prepare a comprehensive management plan for the area, and authorizes \$26 million in Federal grants, \$3 million of which would fund planning activities and \$23 million of which would fund the acquisition of land.

The designation of the Pinelands National Reserve is the first application of the national reserve concept, a new alternative to existing Federal forms of preservation of areas of national significance. Instead of utilizing outright Federal acquisition and management of entire areas, as in the case of national parks, national monuments, national forests or national wildlife refuges, the national reserve concept is designed to combine limited public acquisition with land use controls developed and implemented through a cooperative program involving Federal, State and local governments as well as concerned private groups and individuals.

Senate Bill No. 3091 would implement the provisions of the Federal Act. As introduced, this bill would continue the planning entity which

has already been established, pursuant to the Federal Act, by Executive Order Number 71, issued February 8, 1979, and statutorily establish the Pinelands Commission. The members of the commission would be appointed as provided in the Federal Act: seven appointees of the Governor, one appointee of each of the seven affected counties, and one appointee of the U. S. Secretary of the Interior.

The commission would have 18 months to prepare and adopt a comprehensive management plan for the pinelands area, again as provided by the Federal Act. This plan would contain minimum standards for county and municipal master plans and zoning ordinances for the development and use of land in the pinelands area, which plans and ordinances would be revised to conform with such minimum standards within 1 year of the adoption of the comprehensive management plan. These revisions would be subject to the approval of the commission. Following such approval, the local zoning procedures would proceed as normal.

The bill further provides interim protection for the resources of the pinelands area. Pending the adoption of the comprehensive management plan, restrictions would be placed upon (1) all State approvals necessary for the construction of any structure or the disturbance of land in the pinelands area and on (2) all local approvals of major developments, as defined in subsection e. of section 3 of the bill. In the more environmentally sensitive preservation area, an additional restriction would be placed upon any local approval of any application for development, until the comprehensive management plan is adopted and the respective county or municipality is operating under approved master plans or land use ordinances.

Other key provisions of the bill, as introduced, included (1) the delineation of the boundaries of the pinelands area and the preservation area (section 10); (2) an authorization for the commission to review local approvals of applications for development which are not consistent with the comprehensive master plan, and to modify or supersede such approvals by a two-thirds vote (section 14); (3) a directive that the commission study and recommend alternative schemes for State payments-in-lieu-of-taxes to municipalities wherein the State has acquired or will acquire land (section 20); (4) the establishment of a right-of-first-refusal of the Commissioner of Environmental Protection to purchase lands, or interests therein or options therefor, in the preservation area (section 21); (5) a provision that the environmental design for coastal area be revised to include consideration of the goal of pinelands protection insofar as the coastal area overlaps the Pinelands National Reserve; and (6) an authorization for a gubernatorial veto of com-

mission actions, thereby fulfilling the requirement of the Federal Act that the Governor "exercise effective and continuing oversight" over the preparation and implementation of the comprehensive management plan.

The Senate Energy and Environment Committee conducted four public hearings and three public meetings concerning Senate Bill No. 3091. As a result of these hearings and meetings, and after consideration of the testimony presented thereat, the committee adopted a substantial number of amendments and now favorably reports this bill for Senate consideration. These amendments would (1) require a majority, rather than a two-thirds, vote for all commission actions; (2) provide that the executive director be appointed by the commission, rather than the Governor; (3) require the advice and consent of the Senate on all commission members appointed by the Governor subsequent to the effective date of this bill; (4) prohibit alternates or designees from voting for commission members on any matter; (5) conform the schedule for the preparation of the comprehensive management plan and the imposition of interim restrictions upon State and local approvals of development in the protection area with that of Executive Order Number 71; (6) *establish a Pinelands Municipal Council, consisting of the mayor, or mayor's designee, of every pinelands municipality, which council would advise the commission on the preparation of the comprehensive management plan*; (7) establish "consistency" as a separate basis, in the protection area, for an exemption from the interim restrictions upon State and local approvals of development, and direct the commission to establish standards defining such consistency, as well as compelling public need and extraordinary hardship; (8) *exempt agricultural or horticultural uses throughout the pinelands area, and, in certain instances, the construction of single family homes in the protection area, from such interim restrictions*; (9) provide that any action taken by the planning entity already established pursuant to PL 95-625 continue with full force and effect; (10) require that the resource assessment portion of the comprehensive management plan utilize certain soil resource information; (11) clarify the intent of the Legislature concerning the continuation and expansion of agricultural or horticultural uses, concerning hunting, fishing, trapping, and other recreational activities, and concerning the exportation of ground or surface waters from the pinelands area; (12) *provide for the identification, by the commission, of any land which is subject to such stringent restrictions that compensation to the owner thereof must be guaranteed*, and require that the costs of such compensation be detailed in the financial component of the comprehensive

management plan; (13) include transfer of development rights and the dedication of private lands for recreation and conservation purposes among the techniques to be considered for use in planning and managing the development and use of land in the pinelands area; (14) revise the boundary of the preservation area in Medford, Shamong and Tabernacle townships by utilizing the "critical area" boundary in Medford and the Executive Order Number 71 preservation area boundary in Shamong and Tabernacle; (15) revise the boundary of the protection area in Evesham township to conform with the boundary of the Pinelands National Reserve; (16) provide that written notices required by this bill be sent by certified mail; (17) require that the executive director review all requests or applications for exemptions from the interim restrictions upon State and local approvals of development and make recommendations for commission action thereon; (18) *replace the right of first refusal with a requirement that certain landowners transmit a 60-day written notice to the Commissioner of Environmental Protection prior to the sale of any land, interest therein or option therefor in the preservation area*; (19) require written notice to the Commissioner of Environmental Protection of any change in the ownership of more than 10% of the stock in any corporation which owns any land or interest therein in the preservation area; (20) limit the use of certain power vessels and motor vehicles within the pinelands area, prohibit littering therein, and provide penalties therefor; and (21) provide for the imposition, by the commission, of a surcharge of up to \$1.00 upon any fee charged for the use of State-owned land in the pinelands area, the proceeds of which would be used to defray State payments in lieu of taxes to pinelands municipalities.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 3091

STATE OF NEW JERSEY

ADOPTED MAY 10, 1979

Amend page 2, section 2, line 30, omit "sould", insert "should".

Amend page 2, section 2, line 40, after "species", insert "and the habitat thereof,".

Amend page 2, section 3, after line 1, insert new subsection a. as follows:

"a. 'Agricultural or horticultural purposes' or 'agricultural or horticultural use' means any production of plants or animals useful to man, including but not limited to: forages or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the Federal Government;"

Amend page 2, section 3, line 2, omit "a.", insert "b.".

Amend page 2, section 3, lines 9-10, omit "addition,".

Amend page 2, section 3, line 10, after "expansion", insert ", construction".

Amend pages 2-3, section 3, reletter subsections b. and c. as subsections c. and d., respectively.

Amend page 3, section 3, after line 15, insert new subsection e. as follows:

"e. 'Council' means the Pinelands Municipal Council created by section 6.1 of this act;"

Amend page 3, section 3, reletter subsections d. through h. as subsections f. through j., respectively.

Amend page 3, section 3, line 32, after "act", omit ".", insert ";"

Amend page 3, section 3, after line 32, insert new subsection k. as follows:

"k. 'Protection area' means that portion of the pinelands area not included within the preservation area."

Amend page 3, section 4, lines 16-17, omit “and exercise, as hereinafter provided, all the powers and duties of”.

Amend page 3, section 4, line 18, after “Act”, insert “and shall exercise all the powers and duties as may be necessary in order to effectuate the purposes and provisions thereof”.

Amend page 3, section 4, after line 18, insert new subsection c. as follows:

“c. Any action taken prior to the effective date of this act by the planning entity established pursuant to the Federal Act shall continue with full force and effect as an action of the commission established hereunder.”.

Amend page 3, section 5, line 3, after “Governor”, insert “, with the advice and consent of the Senate, except as otherwise provided herein”.

Amend page 4, section 5, line 18, after “commission”, insert “, and no such gubernatorial appointment shall be subject to the advice and consent of the Senate”.

Amend page 5, section 5, lines 51-52, omit “, except as otherwise expressly provided by this act”.

Amend page 5, section 5, line 52, after “act.”, insert “No alternate or designee of any commission member shall exercise any power to vote on any matter pending before the commission.”.

Amend page 5, section 5, line 54, after “chairman”, omit “and”, insert “. The commission”.

Amend page 5, section 5, line 55, omit “of the commission”, insert “thereof”.

Amend page 5, section 5, line 56, omit “Governor”, insert “commission”.

Amend page 6, section 6, line 36, omit “those”, insert “any”.

Amend page 6, section 6, line 37A, omit “effectuate the purposes of this act”, insert “insure the preservation thereof, or to provide sites for public recreation, as well as any lands the beneficial use of which are so adversely affected by the restrictions imposed pursuant to this act as to require a guarantee of just compensation therefor”.

Amend page 6, section 6, line 38, omit “and to”, insert “,”.

Amend page 6, section 6, line 39, after “Protection”, insert “and to the Secretary of the United States Department of Interior”.

Amend page 6, section 6, after line 43, insert new section 6.1 as follows:

“6.1. a. There is hereby established a Pinelands Municipal Council, the membership of which shall consist of the mayor, or his designee, of each municipality located, in whole or in part, within the pinelands area.

b. A majority of the membership of the council shall constitute a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the full membership of the council.

c. The council shall meet regularly as it may determine, and shall also meet at the call of the chairman of the commission.

d. The council shall appoint a chairman from among its members and such other officers as may be necessary. The council may, within the limits of any funds appropriated or otherwise made available to it for this purpose, appoint such staff or hire such experts as it may require.

e. Members of the council shall serve without compensation, and each member shall serve only as long as he is the mayor or the designee of the mayor of the municipality he represents. The council may, within the limits of funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

f. The commission shall submit to the council, for review, prior to final commission action thereon, the comprehensive management plan, and any revisions thereto, including the minimum standards for the adoption of municipal and county plans and ordinances concerning the development and use of land in the pinelands area. The commission may also submit to the council any other matter which the commission deems advisable.

g. The council shall review all matters submitted to it by the commission and shall state its position to the commission within 60 days of the submission thereof.

h. The council may make recommendations to the commission on any matter it deems advisable whether or not such matter was submitted to the council by the commission.”.

Amend page 6, section 7, lines 1-2, omit “within 18 months of the effective date of this act”, insert “on or before August 8, 1980”.

Amend page 6, section 7, line 14, after “blueberry”, omit “and”, insert “,”.

Amend page 6, section 7, line 15, omit “production”; after “agricultural”, insert “production or”.

Amend page 6, section 7, line 17, omit “and”.

Amend page 6, section 7, line 21, omit “.”, insert “; and”.

Amend page 6, section 7, after line 21, insert new paragraph (3) as follows:

“(3) Utilizes soil resources information from the National Cooperative Soil Survey and the soil conservation districts in the pinelands area.”.

Amend page 7, section 7, line 43, after "areas," insert "transfer of development rights, dedication of private lands for recreation or conservation purposes".

Amend page 8, section 7, line 68, after "taxes," insert "acquisition within 5 years of the effective date of this act, of fee simple or other interests in lands for preservation or recreation purposes, compensation guarantees,".

Amend page 8, section 7, after line 98, insert new subsection a. as follows:

"8. a. The goal of the comprehensive management plan with respect to the entire pinelands area shall be to protect, preserve and enhance the significant values of the resources thereof in a manner which is consistent with the purposes and provisions of this act and the Federal Act."

Amend page 8, section 8, line 1, omit "8. a. ", insert "b."

Amend page 8, section 8, line 2, omit "pinelands", insert "protection".

Amend page 8, section 8, line 5, after "thereto", insert "and the habitat therefor".

Amend page 8, section 8, line 8, omit "indigenous".

Amend page 9, section 8, line 17, omit "b.", insert "c."

Amend page 9, section 8, line 21, omit "wilderness", insert "environment".

Amend page 9, section 8, line 24, after "uses", insert ", including hunting, fishing and trapping,"; omit "wilderness", insert "pinelands".

Amend page 9, section 9, line 3, after "governments", insert ", including the council,".

Amend page 9, section 9, line 4, omit "and", insert ","; after "waters", insert "and natural resources".

Amend page 10, section 9, line 25, omit ", by a two-thirds vote of its total membership,".

Amend page 10, section 9, line 32, after "area", insert "; and provided further, however, that the commission shall, within 90 days of the effective date of this act, and after public hearing thereon, adopt rules and regulations which specify the standards for determining such extraordinary hardship, compelling public need, consistency and substantial impairment".

Amend page 11, section 10, line 48, after "amended", insert ",".

Amend page 11, section 10, line 53, after "with", insert "Braddock Mill Road; thence easterly along Braddock Mill Road to its intersection with Tomlinson Mill Road; thence northeasterly along Tomlinson Mill Road to its intersection with Kettle Run Road; thence northerly

along Kettle Run Road, then along Willow Corner-Tomlinson Mill Road, to its intersection with South Elmwood Road; thence easterly, then northerly along South Elmwood Road to its intersection with East Main Street; thence easterly along East Main Street to its intersection with Marlton Pike; thence northeasterly along Marlton Pike to its intersection with''.

Amend page 12, section 10, line 98, omit "Burlington County Route 648, thence north-".

Amend page 12, section 10, line 99, omit in its entirety.

Amend page 12, section 10, line 100, omit "with U.S. 206; thence northerly along U.S. 206", insert "the Mullica River; thence westerly along the Mullica River to its intersection with the corporate boundary of Medford Township; thence northerly along the Medford Township corporate boundary to its intersection with the boundary of that area designated as the critical area for sewerage purposes pursuant to the provisions of P. L. 1954, c. 199 (C. 58:11-23 et seq.), as amended, and as implemented by N. J. A. C. 7:9-10.1 et seq.; thence northeasterly along such critical area boundary to its intersection with the boundary of Wharton State Forest; thence easterly along the Wharton State Forest boundary to its intersection with Medford-Atsion Road, south of Dellette; thence northerly along Medford-Atsion Road to its intersection with Willow Grove Road; thence northeasterly along Willow Grove Road to its intersection with Stokes Road; thence southerly along Stokes Road to its intersection with Burnt House Road; thence northeasterly along Burnt House Road to its intersection with Fork Neck Road; thence southerly, then easterly along Fork Neck Road to its intersection with Dingletown Road; thence northeasterly along Dingletown Road to its intersection with Hampton Gate-Caranza Road; thence northwesterly along Hampton Gate-Caranza Road".

Amend page 12, section 10, line 103, omit "easterly", insert "northeasterly".

Amend page 12, section 10, line 106, after "with Sooy", insert "Place"; after "along Sooy", insert "Place".

Amend page 13, section 10, line 124, after "boundary", insert "to its intersection with".

Amend page 13, section 10, line 125, omit "to".

Amend page 13, section 10, line 138, omit "thenec", insert "thence".

Amend page 14, section 10, line 192, after "pinelands area", insert ", the protection area".

Amend page 14, section 10, line 201, after "State", insert "planning".

Amend page 14, section 10, line 202, after "area", insert ", the protection area".

Amend page 15, section 11, lines 38-39, omit "by a majority vote of the total authorized membership of the commission,".

Amend page 15, section 11, line 39, after "finding", insert "by the commission".

Amend page 16, section 13, line 7, after "area", insert ", for other than agricultural or horticultural purposes".

Amend page 16, section 13, line 9, after "made", insert "for such construction or disturbance within the protection area".

Amend page 16, section 13, lines 10-11, omit ", by a two-thirds vote of its total authorized membership,".

Amend page 16, section 13, line 12, after "hardship", insert ","; after "need,", insert "or".

Amend page 16, section 13, line 15, after "area;", insert "and provided further, however, that such grant may be made for such construction or disturbance within the preservation area if the commission finds that such grant is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, and is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area.".

Amend page 17, section 13, line 16, omit "pinelands", insert "protection".

Amend page 17, section 13, lines 20-21, omit ", by a two-thirds vote of its total authorized membership,".

Amend page 17, section 13, line 22, after "need,", insert "or".

Amend page 17, section 13, line 24, after "resources", insert "of".

Amend page 17, section 13, lines 20-21, omit ", by a two-thirds vote of its total authorized membership,".

Amend page 17, section 13, line 35, after "need,", insert "and".

Amend page 17, section 13, after line 40, insert new subsections e., f., and g. as follows:

"e. The commission shall, within 90 days of the effective date of this act, and after public hearing thereon, adopt rules and regulations which specify the standards for determining such extraordinary hardship, compelling public need, consistency and substantial impairment for the purposes of this section.

f. The executive director is hereby authorized and directed to review all requests or applications for a commission finding pursuant to this section and to make such recommendations thereon to the commission as he shall deem appropriate; provided, however, that the commission shall take final action on all such requests or applications.

g. Nothing in this section shall prohibit the granting of any State, county or municipal approval, certificate, license, consent or permit

for the construction of any single family residence upon any existing lot in the protection area, provided that (1) the lot upon which such residence would be constructed was owned, as of February 7, 1979, by the person who would occupy such residence; and (2) that sewage treatment facilities, within the capacity of an existing sewage treatment plant, are available to service such residence, or, where no such facilities are available, that such residence would be constructed upon a lot greater than one acre.”.

Amend page 17, section 14, line 6, after “transmit”, insert “, by certified mail,”; omit “writen”, insert “written”.

Amend page 17, section 14, line 7, after “shall”, insert “, after public hearing thereon,”.

Amend page 17, section 14, line 11, omit “, by a two-thirds vote of its total authorized membership,”.

Amend page 18, section 18, line 3, omit “and to”, insert “,”; after “Legislature”, insert “and to the Secretary of the United States Department of Interior”.

Amend page 19, section 21, lines 2-3, omit “unless: (1) Such”, insert “until such”.

Amend page 19, section 21, line 3, omit “provided”, insert “transmitted to”.

Amend page 19, section 21, line 4, after “Protection”, omit “with”, insert “, by certified mail,”.

Amend page 19, section 21, line 5, omit “, and”.

Amend page 19, section 21, lines 6-10, omit in their entirety and insert “at least 60 days prior to entering into any such contract; provided, however, that the provisions of this subsection shall not be applicable to any contract of sale for any structure which is located on any lot less than 10 acres, nor to any contract of sale between or among husband and wife, parent and child, brother and sister, or grandparent and grandchild.”.

Amend page 19, section 21, line 12, after “transmit”, insert “, by certified mail, written”.

Amend page 19, section 21, lines 17, after “of”, insert “subsection a. of”; omit “hereby”.

Amend page 19, section 21, line 18, omit in its entirety, insert “voidable”.

Amend page 19, section 21, after line 18, insert new subsection d. as follows:

“d. Any corporation which owns any land, or interest therein, within the preservation area shall transmit, by certified mail, within 10 days

of the occurrence thereof, a written notice to the Commissioner of Environmental Protection of any change or series of changes in the ownership of more than 10% of the stockholdings in such corporation.”.

Amend page 19, section 21, line 19, omit “d.”, insert “e.”.

Amend page 20, section 22, after line 13, insert new sections 23., 24., and 25.

“23. a. No person shall operate any power vessel which utilizes any engine in excess of 10 horse power upon any of the waters of this State within the pinelands area, except upon that portion of the Mullica River downstream from Burlington County Route 542 or upon that portion of the Wading River downstream from its confluence with the Oswego River. As used in this subsection, ‘power vessel’ means any vessel temporarily or permanently equipped with machinery for propulsion, not including a vessel propelled wholly by sails or by muscular power.

b. No person shall operate any motor vehicle upon any public land within the pinelands area other than upon public highways, except in such areas designated by the commission for such purposes. As used in this subsection, ‘motor vehicle’ means all vehicles propelled other than by muscular power, but not including those vehicles run only upon rails or tracks, police, fire or emergency vehicles, or those vehicles utilized for the administration or maintenance of any public land.

c. No person shall throw, drop, discard or otherwise place any litter upon any land or water within the pinelands area. As used in this subsection, ‘litter’ means any paper, bottle, can, trash, garbage, refuse or debris of any nature.

d. Any person who violates any provision of this section shall be liable to a penalty of not more than \$500.00 for each offense, which penalty shall be imposed in addition to any other penalty otherwise provided by P. L. 1954, c. 38 (C. 23:7-9), R. S. 39:4-64, or by any other law. Such penalty shall be collected by the Department of Environmental Protection pursuant to the provisions of “the penalty enforcement law’ (N. J. S. 2A:58-1 et seq.).

24. a. Nothing in this act shall be construed to authorize or permit the exportation of any ground or surface waters from the pinelands area.

b. Nothing in this act shall be construed to authorize any regulation of hunting, fishing, trapping or possession of wildlife, or other recreational activities in the pinelands area, except as otherwise provided in section 23 of this act or by Title 13 or Title 23 of the Revised Statutes.

25. The commission is hereby authorized to adopt rules and regulations which impose a surcharge of up to \$1.00 upon any fee currently levied and collected, pursuant to law, for the use of State-owned lands within the pinelands area. All of the sums collected as a result of any such surcharge shall be deposited in a fund to be known as the 'Pinelands Fund,' which fund shall be kept separate from all other State receipts. There shall be appropriated annually from such fund, in accordance with a formula adopted by the commission, such revenue as may be available to defray the costs of payments in lieu-of-taxes, as herein provided, to municipalities located in whole or in part in the pinelands area.''

Amend page 20, sections 24-27, renumber sections 23 through 27 as sections 26 through 30, respectively.

Amend page 20, section 27, line 1, omit "commission", insert "Department of Environmental Protection".

Amend page 20, section 28, line 1, omit "28.", insert "31.".

FROM THE OFFICE OF THE GOVERNOR

JUNE 28, 1979

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

PAT SWEENEY

Governor Brendan Byrne today signed S-3091, sponsored by Senate President Joseph P. Merlino (D-Mercer) and Senator Charles B. Yates (D-Burlington) in a public ceremony in the Governor's Office at 11:30 today.

The bill, designated the "Pinelands Protection Act", provides for the development and use of land in the Pinelands area. It provides for a comprehensive planning and management system for the Pinelands.

The legislation implements Section 502 of the National Parks and Recreation Act of 1978 (the Federal Act), which established the Pinelands National Reserve. The Pinelands Planning Commission, created by Executive Order No. 71, will continue as the Pinelands Commission. The bill will also continue interim controls on state approvals during the planning process substantially as set forth in the Executive Order, and will extend similar controls to major local land use approvals.

The Commission will have 18 months to prepare and adopt a comprehensive plan for the Pinelands area as provided by the Executive Order and the Federal Act. This plan will contain minimum standards for county and municipal master plans and zoning ordinances for the development and use of the land in the Pinelands.

The bill ~~further~~ provides interim protection for the resources of the Pinelands. Pending adoption of the comprehensive management plan, restrictions will be placed on all state approvals necessary for the construction of any structure or the disturbance of land in the Pinelands area, as well as all local approvals of major developments, as defined by the bill.

The standards for exemptions for the interim controls in the preservation and protection areas are the same as those in the Executive Order: compelling public need, extraordinary hardship, and/or consistency with the goals and objectives of the bill or the Executive Order and the Federal Act, and no substantial impairment of the resources of the Pinelands.

(more)

"Agricultural and horticultural purposes" are exempted from any interim controls in the preservation and protection areas. The bill also provides exemptions in the protection area for the construction of single family owner-occupied homes when the lot in question was in existence and was owned prior to February 7, 1979, by the person to occupy the dwelling and where adequate public sewage treatment facilities are available, or, if not available, where the lot is one acre or more.

The delineation of the boundaries of the protection area and the perservation area is consistent with the Executive Order. Authorization is also provided for the Commission to review local approvals of applications for developments which are not consistent with the comprehensive master plan, and to modify or supersede such approvals.

The bill also provides a provision that the environmental design for the coastal area be revised to include consideration of the goal of Pinelands protection insofar as the coastal area overlaps the Pinelands National Reserve. Beyond this, the bill provides authorization for a gubernatorial veto.

A Pinelands Municipal Council is also established by the bill. This council will consist of the ~~mayor~~, or mayor's designee, of every Pinelands municipality. The council will ~~advise the~~ commission on the preparation of the comprehensive management plan.

The bill will also:

- provide ~~that~~ any action taken by the planning entity already established continue with full force and effect;
- provide for the identification, by the Commission, of any land which is subject to such stringent restrictions that compensation to the owner would be guaranteed, and require that the costs of such compensation be detailed in the comprehensive management plan;
- revise the boundary of the preservation area in Medford, Shamong and Tabernacle Townships by utilizing the water quality standards "critical area" boundary in Medford and the Executive Order preservation area boundary in Shamong and Tabernacle;

- revise the boundary of the protection area in Evesham Township to conform with the boundary of the Pinelands National Reserve;
- provide that certain landowners transmit a 60-day written notice to the Commissioner of Environmental Protection prior to the sale of any land, interest therein or option in the preservation area;
- require written notice to the Commissioner of Environmental Protection of any change in the ownership of more than ten per cent of the stock in any corporation which owns any land in the protection area;
- limit the use of certain power vessels and motor vehicles within the Pinelands area;
- prohibit littering in the Pinelands, and provide penalties for littering;
- and provide for the imposition, by the Commission, of a surcharge of up to \$1 upon any fee charged for the use of state-owned land in the Pinelands area, the proceeds of which will be used to defray state payments in-lieu-of-taxes to Pinelands municipalities.

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