

# 13:8C-25.1

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2002                    **CHAPTER:** 76  
**NJSA:** 13:8C-25.1      (Open space acquisition – water resources)  
**BILL NO:** S889                    (Substituted for A1997)

**SPONSOR(S):** Smith and others

**DATE INTRODUCED:** February 11, 2002

**COMMITTEE:**                    **ASSEMBLY:** ----

**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** June 27, 2002

**SENATE:** March 25, 2002

**DATE OF APPROVAL:** August 29, 2002

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Senate Committee Substitute (1R) enacted)  
(Amendments during passage denoted by superscript numbers)

**S889**

[SPONSORS STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**A1997**

[SPONSORS STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S889

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** [Yes](#)

Identical to Assembly Statement for S889

**SENATE:** No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 633- 6111 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Open-space master plan mandated," 8-30-2002 Home News and Tribune pA3

"Program to save land adds a priority," 8-30-2002 Philadelphia Inquirer pB1

"NJ law requires open space plan," 8-30-2002 The Times p.A9

"State aims to corner watershed market," 8-30-2002 Star Ledger, p.26

"Land preservation overhauled in NJ," 8-30-2002 Courier-Post, p.1A

P.L. 2002, CHAPTER 76, *approved August 29, 2002*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 889

1 AN ACT concerning the preservation of lands for certain public  
2 purposes <sup>1,1</sup> and amending <sup>1</sup>and supplementing<sup>1</sup> P.L.1999, c.152.

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

6  
7 1. Section 2 of P.L.1999, c.152 (C.13:8C-2) is amended to read  
8 as follows:

9 2. The Legislature finds and declares that enhancing the quality of  
10 life of the citizens of New Jersey is a paramount policy of the State;  
11 that the acquisition and preservation of open space, farmland, and  
12 historic properties in New Jersey protects and enhances the character  
13 and beauty of the State and provides its citizens with greater  
14 opportunities for recreation, relaxation, and education; that the lands  
15 and resources now dedicated to these purposes will not be adequate  
16 to meet the needs of an expanding population in years to come; that  
17 the open space and farmland that is available and appropriate for these  
18 purposes will gradually disappear as the costs of preserving them  
19 correspondingly increase; and that it is necessary and desirable to  
20 provide funding for the development of parks and other open space for  
21 recreation and conservation purposes.

22 The Legislature further finds and declares that agriculture plays an  
23 integral role in the prosperity and well-being of the State as well as  
24 providing a fresh and abundant supply of food for its citizens; that  
25 much of the farmland in the State faces an imminent threat of  
26 permanent conversion to non-farm uses; and that the retention and  
27 development of an economically viable agricultural industry is of high  
28 public priority.

29 The Legislature further finds and declares that there is an urgent  
30 need to preserve the State's historic heritage to enable present and  
31 future generations to experience, understand, and enjoy the landmarks  
32 of New Jersey's role in the birth and development of this nation; that  
33 the restoration and preservation of properties of historic character and  
34 importance in the State is central to meeting this need; and that a  
35 significant number of these historic properties are located in urban  
36 centers, where their restoration and preservation will advance urban  
37 revitalization efforts of the State and local governments.

38 The Legislature further finds and declares that there is growing  
39 public recognition that the quality of life, economic prosperity, and

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted March 21, 2002.

1 environmental quality in New Jersey are served by the protection and  
2 timely preservation of open space and farmland and better management  
3 of the lands, resources, historic properties, and recreational facilities  
4 that are already under public ownership or protection; that the  
5 protection and preservation of New Jersey's water resources, including  
6 the quality and quantity of the State's limited water supply, is essential  
7 to the quality of life and the economic health of the citizens of the  
8 State; that the acquisition of flood-prone areas is in the best interests  
9 of the State to prevent the loss of life and property; that the  
10 preservation of the existing diversity of animal and plant species is  
11 essential to sustaining both the environment and the economy of the  
12 Garden State, and the conservation of adequate habitat for  
13 endangered, threatened, and other rare species is necessary to preserve  
14 this biodiversity; that there is a need to establish a program to serve as  
15 the successor to the programs established by the "Green Acres,  
16 Farmland and Historic Preservation, and Blue Acres Bond Act of  
17 1995," P.L.1995, c.204, nine previous similar bond acts enacted in  
18 1961, 1971, 1974, 1978, 1981, 1983, 1987, 1989, and 1992, and  
19 various implementing laws; and that any such successor program  
20 should support implementation of Statewide policies, goals, and  
21 strategies concerned with and emphasizing the importance of  
22 preserving open space, sensitive environmental areas, critical wildlife  
23 habitat, farmland, and historic resources.

24 The Legislature further finds and declares that the citizens of the  
25 State have indicated their very strong support for open space,  
26 farmland, and historic preservation efforts not only in the past  
27 approval of State Green Acres bond acts and numerous county and  
28 municipal dedicated funding sources for those purposes, but most  
29 recently in 1998 with the approval of an amendment to the New Jersey  
30 Constitution that provides for a stable and dedicated source of funding  
31 for those purposes for the next decade and beyond.

32 The Legislature therefore determines that it is in the public interest  
33 to preserve as much open space and farmland, and as many historic  
34 properties, as possible within the means provided by the 1998  
35 constitutional amendment; that of the open space preserved, as much  
36 of those lands as possible shall protect water resources and preserve  
37 adequate habitat and other environmentally sensitive areas; that, in  
38 recognition of the recommendations of the Governor's Council on New  
39 Jersey Outdoors, it is a worthy goal to preserve one million more acres  
40 of open space and farmland in the Garden State in the next decade to  
41 protect the quality of life for New Jersey residents; and that, to  
42 accomplish that goal, it is also in the public interest to create the  
43 Garden State Preservation Trust and to enable it to raise revenue for  
44 those purposes, and to delegate to it such other duties and  
45 responsibilities as shall be necessary to further the purposes of the  
46 constitutional amendment and to advance the policies and achieve the

1 goals set forth in this preamble.

2 (cf: P.L.1999, c.152, s.2)

3

4 2. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to read  
5 as follows:

6 24. a. (1) There is established in the Department of Environmental  
7 Protection the Office of Green Acres. The commissioner may appoint  
8 an administrator or director who shall supervise the office, and the  
9 department may employ such other personnel and staff as may be  
10 required to carry out the duties and responsibilities of the department  
11 and the office pursuant to this act, all without regard to the provisions  
12 of Title 11A, Civil Service, of the New Jersey Statutes. Persons  
13 appointed or employed as provided pursuant to this subsection shall  
14 be compensated in a manner similar to other employees in the  
15 Executive Branch, and their compensation shall be determined by the  
16 Commissioner of Personnel.

17 (2) The Green Acres Program in the Department of Environmental  
18 Protection, together with all of its functions, powers and duties, are  
19 continued and transferred to and constituted as the Office of Green  
20 Acres in the Department of Environmental Protection. Whenever, in  
21 any law, rule, regulation, order, contract, document, judicial or  
22 administrative proceeding or otherwise, reference is made to the Green  
23 Acres Program, the same shall mean and refer to the Office of Green  
24 Acres in the Department of Environmental Protection. This transfer  
25 shall be subject to the provisions of the "State Agency Transfer Act,"  
26 P.L.1971, c.375 (C.52:14D-1 et seq.).

27 b. The duties and responsibilities of the office shall be as follows:

28 (1) Administer all provisions of this act pertaining to funding the  
29 acquisition and development of lands for recreation and conservation  
30 purposes as authorized pursuant to Article VIII, Section II, paragraph  
31 7 of the State Constitution;

32 (2) Continue to administer all grant and loan programs for the  
33 acquisition and development of lands for recreation and conservation  
34 purposes, including the Green Trust, established or funded for those  
35 purposes pursuant to: P.L.1961, c.45 (C.13:8A-1 et seq.); P.L.1971,  
36 c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or  
37 any Green Acres bond act; and

38 (3) Adopt, with the approval of the commissioner and pursuant to  
39 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
40 seq.), rules and regulations:

41 (a) establishing application procedures for grants and loans for the  
42 acquisition and development of lands for recreation and conservation  
43 purposes, criteria and policies for the evaluation and priority ranking  
44 of projects for eligibility to receive funding for recreation and  
45 conservation purposes using constitutionally dedicated moneys, any  
46 conditions that may be placed on the award of a grant or loan for

1 recreation and conservation purposes pursuant to this act, and any  
2 restrictions that may be placed on the use of lands acquired or  
3 developed with a grant or loan for recreation and conservation  
4 purposes pursuant to this act. The criteria and policies established  
5 pursuant to this subparagraph for the evaluation and priority ranking  
6 of projects for eligibility to receive funding for recreation and  
7 conservation purposes using constitutionally dedicated moneys may be  
8 based upon, but need not be limited to, such factors as: protection of  
9 the environment, natural resources, water resources, watersheds,  
10 aquifers, wetlands, floodplains and flood-prone areas, stream  
11 corridors, beaches and coastal resources, forests and grasslands, scenic  
12 views, biodiversity, habitat for wildlife, rare, threatened, or  
13 endangered species, and plants; degree of likelihood of development;  
14 promotion of greenways; provision for recreational access and use;  
15 protection of geologic, historic, archaeological, and cultural resources;  
16 relative cost; parcel size; and degree of public support; and

17 (b) addressing any other matters deemed necessary to implement  
18 and carry out the goals and objectives of Article VIII, Section II,  
19 paragraph 7 of the State Constitution and this act with respect to the  
20 acquisition and development of lands for recreation and conservation  
21 purposes; and

22 (4) Establishing criteria and policies for the evaluation and priority  
23 ranking of State projects to acquire and develop lands for recreation  
24 and conservation purposes using constitutionally dedicated moneys,  
25 which criteria and policies may be based upon, but need not be limited  
26 to, such factors as: protection of the environment, natural resources,  
27 water resources, watersheds, aquifers, wetlands, floodplains and flood-  
28 prone areas, stream corridors, beaches and coastal resources, forests  
29 and grasslands, scenic views, biodiversity, habitat for wildlife, rare,  
30 threatened, or endangered species, and plants; degree of likelihood of  
31 development; promotion of greenways; provision for recreational  
32 access and use; protection of geologic, historic, archaeological, and  
33 cultural resources; relative cost; parcel size; and degree of public  
34 support.

35 (cf: P.L.1999, c.152, s.24)

36

37 3. Section 25 of P.L.1999, c.152 (C.13:8C-25) is amended to read  
38 as follows:

39 25. Within one year after the date of enactment of this act, and  
40 biennially thereafter until and including 2008, the Garden State  
41 Preservation Trust, after consultation with the Department of  
42 Environmental Protection, the State Agriculture Development  
43 Committee [and], the New Jersey Historic Trust, <sup>1</sup>the Pinelands  
44 Commission,<sup>1</sup> and the Office of State Planning in the Department of  
45 Community Affairs, shall prepare and submit to the Governor and the  
46 Legislature a written report, which shall:

- 1 a. Describe the progress being made on achieving the goals and  
2 objectives of Article VIII, Section II, paragraph 7 of the State  
3 Constitution and this act with respect to the acquisition and  
4 development of lands for recreation and conservation purposes, the  
5 preservation of farmland, and the preservation of historic properties,  
6 and provide recommendations with respect to any legislative,  
7 administrative, or local action that may be required to ensure that  
8 those goals and objectives may be met in the future;
- 9 b. Tabulate, both for the reporting period and cumulatively, the  
10 total acreage for the entire State, and the acreage in each county and  
11 municipality, of lands acquired for recreation and conservation  
12 purposes and of farmland preserved for farmland preservation  
13 purposes that have been applied toward meeting the goals and  
14 objectives of Article VIII, Section II, paragraph 7 of the State  
15 Constitution and this act with respect to the acquisition of lands for  
16 recreation and conservation purposes and the preservation of farmland;
- 17 c. Tabulate, both for the reporting period and cumulatively, the  
18 total acreage for the entire State, and the acreage in each county and  
19 municipality, of any donations of land that have been applied toward  
20 meeting the goals and objectives of Article VIII, Section II, paragraph  
21 7 of the State Constitution and this act with respect to the acquisition  
22 of lands for recreation and conservation purposes and the preservation  
23 of farmland;
- 24 d. List, both for the reporting period and cumulatively, and by  
25 project name, project sponsor, and location by county and  
26 municipality, all historic preservation projects funded with  
27 constitutionally dedicated moneys in whole or in part;
- 28 e. Indicate those areas of the State where, as designated by the  
29 Department of Environmental Protection in the Open Space Master  
30 Plan prepared pursuant to section 5 of P.L. , c. (C. ) (now in  
31 the Legislature as this bill), the acquisition and development of lands  
32 by the State for recreation and conservation purposes is planned or is  
33 most likely to occur, and those areas of the State where there is a need  
34 to protect water resources, including the identification of lands where  
35 protection is needed to assure adequate quality and quantity of  
36 drinking water supplies in times of drought, [and] indicate those areas  
37 of the State where the allocation of constitutionally dedicated moneys  
38 for farmland preservation purposes[, are] is planned or [are] is most  
39 likely to occur, and provide a proposed schedule and expenditure plan  
40 for those acquisitions, developments, and allocations, for the next  
41 reporting period, which shall include an explanation of how those  
42 acquisitions, developments, and allocations will be distributed  
43 throughout all geographic regions of the State to the maximum extent  
44 practicable and feasible;
- 45 f. List any surplus real property owned by the State or an  
46 independent authority of the State that may be utilizable for recreation

1 and conservation purposes or farmland preservation purposes, and  
2 indicate what action has been or must be taken to effect a conveyance  
3 of those lands to the department, the committee, local government  
4 units, qualifying tax exempt nonprofit organizations, or other entities  
5 or persons so that the lands may be preserved and used for those  
6 purposes;

7 g. List, for the reporting period, all projects for which applications  
8 for funding under the Green Acres, farmland preservation, and historic  
9 preservation programs were received but not funded with  
10 constitutionally dedicated moneys during the reporting period, and the  
11 reason or reasons why those projects were not funded; [and]

12 h. Provide, for the reporting period, a comparison of the amount  
13 of constitutionally dedicated moneys annually appropriated for local  
14 government unit projects for recreation and conservation purposes in  
15 municipalities eligible to receive State aid pursuant to P.L.1978, c.14  
16 (C.52:27D-178 et seq.) to the average amount of Green Acres bond  
17 act moneys annually appropriated for such projects in the years 1984  
18 through 1998; and

19 i. Tabulate, both for the reporting period and cumulatively, the  
20 total acreage for the entire State, and the acreage in each county and  
21 municipality, of lands acquired for recreation and conservation  
22 purposes that protect water resources and that protect flood-prone  
23 areas.

24 (cf: P.L.1999, c.152, s.25)

25

26 4. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to read  
27 as follows:

28 26. a. Moneys appropriated from the Garden State Green Acres  
29 Preservation Trust Fund to the Department of Environmental  
30 Protection shall be used by the department to:

31 (1) Pay the cost of acquisition and development of lands by the  
32 State for recreation and conservation purposes;

33 (2) Provide grants and loans to assist local government units to  
34 pay the cost of acquisition and development of lands for recreation and  
35 conservation purposes; and

36 (3) Provide grants to assist qualifying tax exempt nonprofit  
37 organizations to pay the cost of acquisition and development of lands  
38 for recreation and conservation purposes.

39 b. The expenditure and allocation of constitutionally dedicated  
40 moneys for recreation and conservation purposes shall reflect the  
41 geographic diversity of the State to the maximum extent practicable  
42 and feasible.

43 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
44 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted  
45 pursuant thereto, to the contrary, the value of a pinelands development  
46 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1



1 et seq.) and the pinelands comprehensive management plan adopted  
2 pursuant thereto, shall be made utilizing a value to be determined by  
3 either appraisal, regional averaging based upon appraisal data, or a  
4 formula supported by appraisal data. The appraisal and appraisal data  
5 shall consider as appropriate: land values in the pinelands regional  
6 growth areas; land values in counties, municipalities, and other areas  
7 reasonably contiguous to, but outside of, the pinelands area; and other  
8 relevant factors as may be necessary to maintain the environmental,  
9 ecological, and agricultural qualities of the pinelands area.

10 (2) No pinelands development credit allocated to a parcel of land  
11 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands  
12 comprehensive management plan adopted pursuant thereto that is  
13 acquired or obtained in connection with the acquisition of the parcel  
14 for recreation and conservation purposes by the State, a local  
15 government unit, or a qualifying tax exempt nonprofit organization  
16 using constitutionally dedicated moneys in whole or in part may be  
17 conveyed in any manner. All such pinelands development credits shall  
18 be retired permanently.

19 d. (1) (a) For State fiscal years 2000 through 2004 only, when  
20 the department, a local government unit, or a qualifying tax exempt  
21 nonprofit organization seeks to acquire lands for recreation and  
22 conservation purposes using constitutionally dedicated moneys in  
23 whole or in part or Green Acres bond act moneys in whole or in part,  
24 it shall conduct or cause to be conducted an appraisal or appraisals of  
25 the value of the lands that shall be made using the land use zoning of  
26 the lands (i) in effect at the time of proposed acquisition, and (ii) in  
27 effect on November 3, 1998 as if that land use zoning is still in effect  
28 at the time of proposed acquisition. The higher of those two values  
29 shall be utilized by the department, a local government unit, or a  
30 qualifying tax exempt nonprofit organization as the basis for  
31 negotiation with the landowner with respect to the acquisition price  
32 for the lands. The landowner shall be provided with both values  
33 determined pursuant to this subparagraph.

34 A landowner may waive any of the requirements of this paragraph  
35 and may agree to sell the lands for less than the values determined  
36 pursuant to this paragraph.

37 (b) After the date of enactment of P.L.2001, c.315 and through  
38 June 30, 2004, in determining the two values required pursuant to  
39 subparagraph (a) of this paragraph, the appraisal shall be made using  
40 not only the land use zoning but also the Department of Environmental  
41 Protection wastewater, water quality and watershed management rules  
42 and regulations and associated requirements and standards applicable  
43 to the lands subject to the appraisal (i) in effect at the time of  
44 proposed acquisition, and (ii) in effect on November 3, 1998 as if  
45 those rules and regulations and associated requirements and standards  
46 are still in effect at the time of proposed acquisition.

- 1       (2) The requirements of this subsection shall be in addition to any  
2 other requirements of law, rule, or regulation not inconsistent  
3 therewith.
- 4       (3) This subsection shall not:
- 5       (a) apply if the land use zoning of the lands at the time of  
6 proposed acquisition, and the Department of Environmental Protection  
7 wastewater, water quality and watershed management rules and  
8 regulations and associated requirements and standards applicable to  
9 the lands at the time of proposed acquisition, have not changed since  
10 November 3, 1998;
- 11       (b) apply in the case of lands to be acquired with federal moneys  
12 in whole or in part;
- 13       (c) apply in the case of lands to be acquired in accordance with  
14 subsection c. of this section;
- 15       (d) apply to projects funded using constitutionally dedicated  
16 moneys appropriated pursuant to the annual appropriations act for  
17 State fiscal year 2000 (P.L.1999, c.138); or
- 18       (e) alter any requirements to disclose information to a landowner  
19 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
20 (C.20:3-1 et seq.).
- 21       e. Moneys appropriated from the fund may be used to match  
22 grants, contributions, donations, or reimbursements from federal aid  
23 programs or from other public or private sources established for the  
24 same or similar purposes as the fund.
- 25       f. Moneys appropriated from the fund shall not be used by local  
26 government units or qualifying tax exempt nonprofit organizations to  
27 acquire lands that are already permanently preserved for recreation and  
28 conservation purposes, as determined by the department.
- 29       g. Whenever lands are donated to the State by a public utility, as  
30 defined pursuant to Title 48 of the Revised Statutes, for recreation and  
31 conservation purposes, the commissioner may make and keep the lands  
32 accessible to the public, unless the commissioner determines that  
33 public accessibility would be detrimental to the lands or any natural  
34 resources associated therewith.
- 35       h. Whenever the State acquires land for recreation and  
36 conservation purposes, the agency in the Department of Environmental  
37 Protection responsible for administering the land shall, within six  
38 months after the date of acquisition, inspect the land for the presence  
39 of any buildings or structures thereon which are or may be historic  
40 properties and, within 60 days after completion of the inspection,  
41 provide to the New Jersey Historic Preservation Office in the  
42 department (1) a written notice of its findings, and (2) for any  
43 buildings or structures which are or may be historic properties  
44 discovered on the land, a request for determination of potential  
45 eligibility for inclusion of the historic building or structure in the New  
46 Jersey Register of Historic Places. Whenever such a building or

1 structure is discovered, a copy of the written notice provided to the  
2 New Jersey Historic Preservation Office shall also be sent to the New  
3 Jersey Historic Trust and to the county historical commission or  
4 advisory committee, the county historical society, the local historic  
5 preservation commission or advisory committee, and the local  
6 historical society if any of those entities exist in the county or  
7 municipality wherein the land is located.

8 i. (1) Commencing July 1, 2004 and until five years after the date  
9 of enactment of P.L.2001, c.315, when the department, a local  
10 government unit, or a qualifying tax exempt nonprofit organization  
11 seeks to acquire lands for recreation and conservation purposes using  
12 constitutionally dedicated moneys in whole or in part or Green Acres  
13 bond act moneys in whole or in part, it shall conduct or cause to be  
14 conducted an appraisal or appraisals of the value of the lands that shall  
15 be made using the Department of Environmental Protection  
16 wastewater, water quality and watershed management rules and  
17 regulations and associated requirements and standards applicable to  
18 the lands subject to the appraisal (a) in effect at the time of proposed  
19 acquisition, and (b) in effect on November 3, 1998 as if those rules and  
20 regulations and associated requirements and standards are still in effect  
21 at the time of proposed acquisition. The higher of those two values  
22 shall be utilized by the department, a local government unit, or a  
23 qualifying tax exempt nonprofit organization as the basis for  
24 negotiation with the landowner with respect to the acquisition price  
25 for the lands. The landowner shall be provided with both values  
26 determined pursuant to this paragraph. A landowner may waive any  
27 of the requirements of this paragraph and may agree to sell the lands  
28 for less than the values determined pursuant to this paragraph.

29 (2) The requirements of this subsection shall be in addition to any  
30 other requirements of law, rule, or regulation not inconsistent  
31 therewith.

32 (3) This subsection shall not:

33 (a) apply if the Department of Environmental Protection  
34 wastewater, water quality and watershed management rules and  
35 regulations and associated requirements and standards applicable to  
36 the lands at the time of proposed acquisition have not changed since  
37 November 3, 1998;

38 (b) apply in the case of lands to be acquired with federal moneys  
39 in whole or in part;

40 (c) apply in the case of lands to be acquired in accordance with  
41 subsection c. of this section; or

42 (d) alter any requirements to disclose information to a landowner  
43 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
44 (C.20:3-1 et seq.).

45 j. The department shall adopt guidelines for the evaluation and  
46 priority ranking process which shall be used in making decisions

1 concerning the acquisition of lands by the State for recreation and  
2 conservation purposes using moneys from the Garden State Green  
3 Acres Preservation Trust Fund and from any other source. The  
4 guidelines, and any subsequent revisions thereto, shall be published in  
5 the New Jersey Register. The adoption of the guidelines or of the  
6 revisions thereto, shall not be subject to the requirements of the  
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
8 seq.).

9 k. In making decisions concerning the acquisition of lands by the  
10 State for recreation and conservation purposes using moneys from the  
11 Garden State Green Acres Preservation Trust Fund, in the evaluation  
12 and priority ranking process the department shall accord three times  
13 the weight to acquisitions of lands that would protect water resources,  
14 and two times the weight to acquisitions of lands that would protect  
15 flood-prone areas, as those criteria are compared to the other criteria  
16 in the priority ranking process.

17 l. <sup>1</sup>[(1) The Department of Environmental Protection and the  
18 Department of Agriculture, pursuant to the "Administrative Procedure  
19 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and  
20 regulations jointly that establish standards and requirements regulating  
21 any activity on lands acquired by the State for farmland preservation  
22 purposes using constitutionally dedicated moneys to assure that the  
23 activity on those lands does not diminish the protection of surface  
24 water or groundwater resources.

25 (2)]<sup>1</sup> The <sup>1</sup>[Department of Environmental Protection]  
26 department<sup>1</sup>, pursuant to the "Administrative Procedure Act,"  
27 <sup>1</sup>[may] P.L.1968, c.410 (C.52:14B-1 et seq.), shall<sup>1</sup> adopt rules and  
28 regulations that establish standards and requirements regulating any  
29 activity on lands acquired by the State for recreation and conservation  
30 purposes using constitutionally dedicated moneys to assure that the  
31 activity on those lands does not diminish the protection of surface  
32 water or groundwater resources.

33 Any rules and regulations adopted pursuant to this subsection shall  
34 not apply to activities on lands acquired prior to the adoption of the  
35 rules and regulations.

36 (cf: P.L.2001, c.315, s.1)

37  
38 5. (New section) a. Within one year after the date of enactment  
39 of P.L. , c. (C.) (now in the Legislature as this bill), and annually  
40 thereafter, the Department of Environmental Protection, in  
41 consultation with the Office of State Planning in the Department of  
42 Community Affairs <sup>1</sup>and the Pinelands Commission<sup>1</sup>, shall prepare and  
43 submit to the Governor and the Legislature an Open Space Master  
44 Plan, which shall indicate those areas of the State where the  
45 acquisition and development of lands by the State for recreation and  
46 conservation purposes is planned or is most likely to occur, and those

1 areas of the State where there is a need to protect water resources,  
2 including the identification of lands where protection is needed to  
3 assure adequate quality and quantity of drinking water supplies in  
4 times of drought, and which shall provide a proposed schedule and  
5 expenditure plan for those acquisitions and developments for the next  
6 reporting period, which shall include an explanation of how those  
7 acquisitions and developments will be distributed throughout all  
8 geographic regions of the State to the maximum extent practicable and  
9 feasible.

10 b. The department shall provide any information the Garden State  
11 Preservation Trust deems necessary in preparing its biennial report  
12 pursuant to section 25 of P.L.1999, c.152 (C.13:8C-25).

13

14 <sup>1</sup>6. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
15 read as follows:

16 38. a. All acquisitions or grants made pursuant to section 37 of  
17 this act shall be made with respect to farmland devoted to farmland  
18 preservation under programs established by law.

19 b. The expenditure and allocation of constitutionally dedicated  
20 moneys for farmland preservation purposes shall reflect the geographic  
21 diversity of the State to the maximum extent practicable and feasible.

22 c. The committee shall implement the provisions of section 37 of  
23 this act in accordance with the procedures and criteria established  
24 pursuant to the "Agriculture Retention and Development Act,"  
25 P.L.1983, c.32 (C.4:1C-11 et seq.) except as provided otherwise by  
26 this act.

27 d. The committee shall adopt the same or a substantially similar  
28 method for determining, for the purposes of this act, the committee's  
29 share of the cost of a development easement on farmland to be  
30 acquired by a local government as that which is being used by the  
31 committee on the date of enactment of this act for prior farmland  
32 preservation funding programs.

33 e. Notwithstanding the provisions of section 24 of P.L.1983, c.32  
34 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant  
35 thereto, to the contrary, whenever the value of a development  
36 easement on farmland to be acquired using constitutionally dedicated  
37 moneys in whole or in part is determined based upon the value of any  
38 pinelands development credits allocated to the parcel pursuant to  
39 P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
40 management plan adopted pursuant thereto, the committee shall  
41 determine the value of the development easement by:

42 (1) conducting a sufficient number of fair market value appraisals  
43 as it deems appropriate to determine the value for farmland  
44 preservation purposes of the pinelands development credits;

45 (2) considering development easement values in counties,  
46 municipalities, and other areas (a) reasonably contiguous to, but

1 outside of, the pinelands area, which in the sole opinion of the  
2 committee constitute reasonable development easement values in the  
3 pinelands area for the purposes of this subsection, and (b) in the  
4 pinelands area where pinelands development credits are or may be  
5 utilized, which in the sole opinion of the committee constitute  
6 reasonable development easement values in the pinelands area for the  
7 purposes of this subsection;

8 (3) considering land values in the pinelands regional growth areas;

9 (4) considering the importance of preserving agricultural lands in  
10 the pinelands area; and

11 (5) considering such other relevant factors as may be necessary to  
12 increase participation in the farmland preservation program by owners  
13 of agricultural lands located in the pinelands area.

14 f. No pinelands development credit that is acquired or obtained in  
15 connection with the acquisition of a development easement on  
16 farmland or fee simple title to farmland by the State, a local  
17 government unit, or a qualifying tax exempt nonprofit organization  
18 using constitutionally dedicated moneys in whole or in part may be  
19 conveyed in any manner. All such pinelands development credits shall  
20 be retired permanently.

21 g. (1) (a) For State fiscal years 2000 through 2004 only, when  
22 the committee, a local government unit, or a qualifying tax exempt  
23 nonprofit organization seeks to acquire a development easement on  
24 farmland or the fee simple title to farmland for farmland preservation  
25 purposes using constitutionally dedicated moneys in whole or in part,  
26 it shall conduct or cause to be conducted an appraisal or appraisals of  
27 the value of the lands that shall be made using the land use zoning of  
28 the lands (i) in effect at the time of proposed acquisition, and (ii) in  
29 effect on November 3, 1998 as if that land use zoning is still in effect  
30 at the time of proposed acquisition. The higher of those two values  
31 shall be utilized by the committee, a local government unit, or a  
32 qualifying tax exempt nonprofit organization as the basis for  
33 negotiation with the landowner with respect to the acquisition price  
34 for the lands. The landowner shall be provided with both values  
35 determined pursuant to this subparagraph.

36 A landowner may waive any of the requirements of this paragraph  
37 and may agree to sell the lands for less than the values determined  
38 pursuant to this paragraph.

39 (b) After the date of enactment of P.L.2001, c.315 and through  
40 June 30, 2004, in determining the two values required pursuant to  
41 subparagraph (a) of this paragraph, the appraisal shall be made using  
42 not only the land use zoning but also the Department of Environmental  
43 Protection wastewater, water quality and watershed management rules  
44 and regulations and associated requirements and standards applicable  
45 to the lands subject to the appraisal (i) in effect at the time of  
46 proposed acquisition, and (ii) in effect on November 3, 1998 as if

1 those rules and regulations and associated requirements and standards  
2 are still in effect at the time of proposed acquisition.

3 (2) The requirements of this subsection shall be in addition to any  
4 other requirements of law, rule, or regulation not inconsistent  
5 therewith.

6 (3) This subsection shall not:

7 (a) apply if the land use zoning of the lands at the time of  
8 proposed acquisition, and the Department of Environmental Protection  
9 wastewater, water quality and watershed management rules and  
10 regulations and associated requirements and standards applicable to  
11 the lands at the time of proposed acquisition, have not changed since  
12 November 3, 1998;

13 (b) apply in the case of lands to be acquired with federal moneys  
14 in whole or in part;

15 (c) apply in the case of lands to be acquired in accordance with  
16 subsection e. of this section;

17 (d) apply to projects funded using constitutionally dedicated  
18 moneys appropriated pursuant to the annual appropriations act for  
19 State fiscal year 2000 (P.L.1999, c.138); or

20 (e) alter any requirements to disclose information to a landowner  
21 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
22 (C.20:3-1 et seq.).

23 h. Any farmland for which a development easement or fee simple  
24 title has been acquired pursuant to section 37 of this act shall be  
25 entitled to the benefits conferred by the "Right to Farm Act,"  
26 P.L.1983, c.31 (C.4:1C-1 et al.) and the "Agriculture Retention and  
27 Development Act," P.L.1983, c.32 (C.4:1C-11 et al.).

28 i. (1) Commencing July 1, 2004 and until five years after the date  
29 of enactment of P.L.2001, c.315, when the committee, a local  
30 government unit, or a qualifying tax exempt nonprofit organization  
31 seeks to acquire a development easement on farmland or the fee simple  
32 title to farmland for farmland preservation purposes using  
33 constitutionally dedicated moneys in whole or in part, it shall conduct  
34 or cause to be conducted an appraisal or appraisals of the value of the  
35 lands that shall be made using the Department of Environmental  
36 Protection wastewater, water quality and watershed management rules  
37 and regulations and associated requirements and standards applicable  
38 to the lands subject to the appraisal (a) in effect at the time of  
39 proposed acquisition, and (b) in effect on November 3, 1998 as if  
40 those rules and regulations and associated requirements and standards  
41 are still in effect at the time of proposed acquisition. The higher of  
42 those two values shall be utilized by the committee, a local  
43 government unit, or a qualifying tax exempt nonprofit organization as  
44 the basis for negotiation with the landowner with respect to the  
45 acquisition price for the lands. The landowner shall be provided with  
46 both values determined pursuant to this paragraph. A landowner may

1 waive any of the requirements of this paragraph and may agree to sell  
2 the lands for less than the values determined pursuant to this  
3 paragraph.

4 (2) The requirements of this subsection shall be in addition to any  
5 other requirements of law, rule, or regulation not inconsistent  
6 therewith.

7 (3) This subsection shall not:

8 (a) apply if the Department of Environmental Protection  
9 wastewater, water quality and watershed management rules and  
10 regulations and associated requirements and standards applicable to  
11 the lands at the time of proposed acquisition have not changed since  
12 November 3, 1998;

13 (b) apply in the case of lands to be acquired with federal moneys  
14 in whole or in part;

15 (c) apply in the case of lands to be acquired in accordance with  
16 subsection e. of this section; or

17 (d) alter any requirements to disclose information to a landowner  
18 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
19 (C.20:3-1 et seq.).

20 j. The committee and the Department of Environmental  
21 Protection, pursuant to the "Administrative Procedure Act," P.L.1968,  
22 c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and regulations  
23 that establish standards and requirements regulating any improvement  
24 on lands acquired by the State for farmland preservation purposes  
25 using constitutionally dedicated moneys to assure that any  
26 improvement does not diminish the protection of surface water or  
27 groundwater resources.

28 Any rules and regulations adopted pursuant to this subsection shall  
29 not apply to improvements on lands acquired prior to the adoption of  
30 the rules and regulations.<sup>1</sup>

31 (cf: P.L.2001, c.315, s.2)

32

33 <sup>1</sup>[6.] 7.<sup>1</sup> This act shall take effect immediately.

34

35

36

37

38 Establishes protection of water resources and flood-prone areas as  
39 high priorities under open space acquisition program.



# SENATE, No. 889

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator HENRY P. MCNAMARA**

**District 40 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Establishes protection of water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, and stream corridors as first priority under State open space preservation program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/1/2002)**

1 AN ACT concerning the preservation of lands for recreation and  
2 conservation purposes and amending P.L.1999, c.152.

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

6  
7 1. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to read  
8 as follows:

9 24. a. (1) There is established in the Department of  
10 Environmental Protection the Office of Green Acres. The  
11 commissioner may appoint an administrator or director who shall  
12 supervise the office, and the department may employ such other  
13 personnel and staff as may be required to carry out the duties and  
14 responsibilities of the department and the office pursuant to this act,  
15 all without regard to the provisions of Title 11A, Civil Service, of the  
16 New Jersey Statutes. Persons appointed or employed as provided  
17 pursuant to this subsection shall be compensated in a manner similar  
18 to other employees in the Executive Branch, and their compensation  
19 shall be determined by the Commissioner of Personnel.

20 (2) The Green Acres Program in the Department of Environmental  
21 Protection, together with all of its functions, powers and duties, are  
22 continued and transferred to and constituted as the Office of Green  
23 Acres in the Department of Environmental Protection. Whenever, in  
24 any law, rule, regulation, order, contract, document, judicial or  
25 administrative proceeding or otherwise, reference is made to the Green  
26 Acres Program, the same shall mean and refer to the Office of Green  
27 Acres in the Department of Environmental Protection. This transfer  
28 shall be subject to the provisions of the "State Agency Transfer Act,"  
29 P.L.1971, c.375 (C.52:14D-1 et seq.).

30 b. The duties and responsibilities of the office shall be as follows:

31 (1) Administer all provisions of this act pertaining to funding the  
32 acquisition and development of lands for recreation and conservation  
33 purposes as authorized pursuant to Article VIII, Section II, paragraph  
34 7 of the State Constitution;

35 (2) Continue to administer all grant and loan programs for the  
36 acquisition and development of lands for recreation and conservation  
37 purposes, including the Green Trust, established or funded for those  
38 purposes pursuant to: P.L.1961, c.45 (C.13:8A-1 et seq.); P.L.1971,  
39 c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or  
40 any Green Acres bond act; and

41 (3) Adopt, with the approval of the commissioner and pursuant to  
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43 seq.), rules and regulations:

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

**Matter underlined thus is new matter.**

1 (a) establishing application procedures for grants and loans for the  
2 acquisition and development of lands for recreation and conservation  
3 purposes, criteria and policies for the evaluation and priority ranking  
4 of projects for eligibility to receive funding for recreation and  
5 conservation purposes using constitutionally dedicated moneys, any  
6 conditions that may be placed on the award of a grant or loan for  
7 recreation and conservation purposes pursuant to this act, and any  
8 restrictions that may be placed on the use of lands acquired or  
9 developed with a grant or loan for recreation and conservation  
10 purposes pursuant to this act. The criteria and policies established  
11 pursuant to this subparagraph for the evaluation and priority ranking  
12 of projects for eligibility to receive funding for recreation and  
13 conservation purposes using constitutionally dedicated moneys may be  
14 based upon, but need not be limited to, such factors as: protection of  
15 the environment, natural resources, water resources, watersheds,  
16 aquifers, wetlands, floodplains and flood-prone areas, stream  
17 corridors, beaches and coastal resources, forests and grasslands, scenic  
18 views, biodiversity, habitat for wildlife, rare, threatened, or  
19 endangered species, and plants; degree of likelihood of development;  
20 promotion of greenways; provision for recreational access and use;  
21 protection of geologic, historic, archaeological, and cultural resources;  
22 relative cost; parcel size; and degree of public support; and

23 (b) addressing any other matters deemed necessary to implement  
24 and carry out the goals and objectives of Article VIII, Section II,  
25 paragraph 7 of the State Constitution and this act with respect to the  
26 acquisition and development of lands for recreation and conservation  
27 purposes; and

28 (4) Establishing criteria and policies for the evaluation and priority  
29 ranking of State projects to acquire and develop lands for recreation  
30 and conservation purposes using constitutionally dedicated moneys,  
31 which criteria and policies may be based upon, but need not be limited  
32 to, such factors as: protection of the environment, natural resources,  
33 water resources, watersheds, aquifers, wetlands, floodplains and flood-  
34 prone areas, stream corridors, beaches and coastal resources, forests  
35 and grasslands, scenic views, biodiversity, habitat for wildlife, rare,  
36 threatened, or endangered species, and plants; degree of likelihood of  
37 development; promotion of greenways; provision for recreational  
38 access and use; protection of geologic, historic, archaeological, and  
39 cultural resources; relative cost; parcel size; and degree of public  
40 support.

41 (cf: P.L.1999, c.152, s.24)

42

43 2. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to read  
44 as follows:

45 26. a. Moneys appropriated from the Garden State Green Acres  
46 Preservation Trust Fund to the Department of Environmental

1 Protection shall be used by the department to:

2 (1) Pay the cost of acquisition and development of lands by the  
3 State for recreation and conservation purposes;

4 (2) Provide grants and loans to assist local government units to pay  
5 the cost of acquisition and development of lands for recreation and  
6 conservation purposes; and

7 (3) Provide grants to assist qualifying tax exempt nonprofit  
8 organizations to pay the cost of acquisition and development of lands  
9 for recreation and conservation purposes.

10 b. The expenditure and allocation of constitutionally dedicated  
11 moneys for recreation and conservation purposes shall reflect the  
12 geographic diversity of the State to the maximum extent practicable  
13 and feasible.

14 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
15 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted  
16 pursuant thereto, to the contrary, the value of a pinelands development  
17 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1  
18 et seq.) and the pinelands comprehensive management plan adopted  
19 pursuant thereto, shall be made utilizing a value to be determined by  
20 either appraisal, regional averaging based upon appraisal data, or a  
21 formula supported by appraisal data. The appraisal and appraisal data  
22 shall consider as appropriate: land values in the pinelands regional  
23 growth areas; land values in counties, municipalities, and other areas  
24 reasonably contiguous to, but outside of, the pinelands area; and other  
25 relevant factors as may be necessary to maintain the environmental,  
26 ecological, and agricultural qualities of the pinelands area.

27 (2) No pinelands development credit allocated to a parcel of land  
28 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands  
29 comprehensive management plan adopted pursuant thereto that is  
30 acquired or obtained in connection with the acquisition of the parcel  
31 for recreation and conservation purposes by the State, a local  
32 government unit, or a qualifying tax exempt nonprofit organization  
33 using constitutionally dedicated moneys in whole or in part may be  
34 conveyed in any manner. All such pinelands development credits shall  
35 be retired permanently.

36 d. (1) (a) For State fiscal years 2000 through 2004 only, when the  
37 department, a local government unit, or a qualifying tax exempt  
38 nonprofit organization seeks to acquire lands for recreation and  
39 conservation purposes using constitutionally dedicated moneys in  
40 whole or in part or Green Acres bond act moneys in whole or in part,  
41 it shall conduct or cause to be conducted an appraisal or appraisals of  
42 the value of the lands that shall be made using the land use zoning of  
43 the lands (i) in effect at the time of proposed acquisition, and (ii) in  
44 effect on November 3, 1998 as if that land use zoning is still in effect  
45 at the time of proposed acquisition. The higher of those two values  
46 shall be utilized by the department, a local government unit, or a

1 qualifying tax exempt nonprofit organization as the basis for  
2 negotiation with the landowner with respect to the acquisition price  
3 for the lands. The landowner shall be provided with both values  
4 determined pursuant to this subparagraph.

5 A landowner may waive any of the requirements of this paragraph  
6 and may agree to sell the lands for less than the values determined  
7 pursuant to this paragraph.

8 (b) After the date of enactment of P.L.2001, c.315 and through  
9 June 30, 2004, in determining the two values required pursuant to  
10 subparagraph (a) of this paragraph, the appraisal shall be made using  
11 not only the land use zoning but also the Department of Environmental  
12 Protection wastewater, water quality and watershed management rules  
13 and regulations and associated requirements and standards applicable  
14 to the lands subject to the appraisal (i) in effect at the time of  
15 proposed acquisition, and (ii) in effect on November 3, 1998 as if  
16 those rules and regulations and associated requirements and standards  
17 are still in effect at the time of proposed acquisition.

18 (2) The requirements of this subsection shall be in addition to any  
19 other requirements of law, rule, or regulation not inconsistent  
20 therewith.

21 (3) This subsection shall not:

22 (a) apply if the land use zoning of the lands at the time of proposed  
23 acquisition, and the Department of Environmental Protection  
24 wastewater, water quality and watershed management rules and  
25 regulations and associated requirements and standards applicable to  
26 the lands at the time of proposed acquisition, have not changed since  
27 November 3, 1998;

28 (b) apply in the case of lands to be acquired with federal moneys  
29 in whole or in part;

30 (c) apply in the case of lands to be acquired in accordance with  
31 subsection c. of this section;

32 (d) apply to projects funded using constitutionally dedicated  
33 moneys appropriated pursuant to the annual appropriations act for  
34 State fiscal year 2000 (P.L.1999, c.138); or

35 (e) alter any requirements to disclose information to a landowner  
36 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
37 (C.20:3-1 et seq.).

38 e. Moneys appropriated from the fund may be used to match  
39 grants, contributions, donations, or reimbursements from federal aid  
40 programs or from other public or private sources established for the  
41 same or similar purposes as the fund.

42 f. Moneys appropriated from the fund shall not be used by local  
43 government units or qualifying tax exempt nonprofit organizations to  
44 acquire lands that are already permanently preserved for recreation and  
45 conservation purposes, as determined by the department.

46 g. Whenever lands are donated to the State by a public utility, as

1 defined pursuant to Title 48 of the Revised Statutes, for recreation and  
2 conservation purposes, the commissioner may make and keep the lands  
3 accessible to the public, unless the commissioner determines that  
4 public accessibility would be detrimental to the lands or any natural  
5 resources associated therewith.

6 h. Whenever the State acquires land for recreation and  
7 conservation purposes, the agency in the Department of Environmental  
8 Protection responsible for administering the land shall, within six  
9 months after the date of acquisition, inspect the land for the presence  
10 of any buildings or structures thereon which are or may be historic  
11 properties and, within 60 days after completion of the inspection,  
12 provide to the New Jersey Historic Preservation Office in the  
13 department (1) a written notice of its findings, and (2) for any  
14 buildings or structures which are or may be historic properties  
15 discovered on the land, a request for determination of potential  
16 eligibility for inclusion of the historic building or structure in the New  
17 Jersey Register of Historic Places. Whenever such a building or  
18 structure is discovered, a copy of the written notice provided to the  
19 New Jersey Historic Preservation Office shall also be sent to the New  
20 Jersey Historic Trust and to the county historical commission or  
21 advisory committee, the county historical society, the local historic  
22 preservation commission or advisory committee, and the local  
23 historical society if any of those entities exist in the county or  
24 municipality wherein the land is located.

25 i. (1) Commencing July 1, 2004 and until five years after the date  
26 of enactment of P.L.2001, c.315, when the department, a local  
27 government unit, or a qualifying tax exempt nonprofit organization  
28 seeks to acquire lands for recreation and conservation purposes using  
29 constitutionally dedicated moneys in whole or in part or Green Acres  
30 bond act moneys in whole or in part, it shall conduct or cause to be  
31 conducted an appraisal or appraisals of the value of the lands that shall  
32 be made using the Department of Environmental Protection  
33 wastewater, water quality and watershed management rules and  
34 regulations and associated requirements and standards applicable to  
35 the lands subject to the appraisal (a) in effect at the time of proposed  
36 acquisition, and (b) in effect on November 3, 1998 as if those rules and  
37 regulations and associated requirements and standards are still in effect  
38 at the time of proposed acquisition. The higher of those two values  
39 shall be utilized by the department, a local government unit, or a  
40 qualifying tax exempt nonprofit organization as the basis for  
41 negotiation with the landowner with respect to the acquisition price  
42 for the lands. The landowner shall be provided with both values  
43 determined pursuant to this paragraph. A landowner may waive any  
44 of the requirements of this paragraph and may agree to sell the lands  
45 for less than the values determined pursuant to this paragraph.

46 (2) The requirements of this subsection shall be in addition to any

1 other requirements of law, rule, or regulation not inconsistent  
2 therewith.

3 (3) This subsection shall not:

4 (a) apply if the Department of Environmental Protection  
5 wastewater, water quality and watershed management rules and  
6 regulations and associated requirements and standards applicable to  
7 the lands at the time of proposed acquisition have not changed since  
8 November 3, 1998;

9 (b) apply in the case of lands to be acquired with federal moneys  
10 in whole or in part;

11 (c) apply in the case of lands to be acquired in accordance with  
12 subsection c. of this section; or

13 (d) alter any requirements to disclose information to a landowner  
14 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
15 (C.20:3-1 et seq.).

16 j. In making decisions concerning the acquisition of lands by the  
17 State for recreation and conservation purposes using moneys from the  
18 Garden State Green Acres Preservation Trust Fund, the department  
19 shall give first priority consideration to acquiring lands that would  
20 protect water resources, watersheds, aquifers, wetlands, floodplains  
21 and flood-prone areas, or stream corridors.

22 (cf: P.L.2001, c.315, s.1)

23

24 3. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 This bill would require the Department of Environmental Protection  
30 (DEP), when making decisions concerning the acquisition of lands by  
31 the State for recreation and conservation purposes using moneys from  
32 the Garden State Green Acres Preservation Trust Fund, to give first  
33 priority consideration to acquiring lands that would protect water  
34 resources, watersheds, aquifers, wetlands, floodplains and flood-prone  
35 areas, or stream corridors. The bill would also supplement the factors  
36 upon which the criteria and policies to be established by the DEP for  
37 evaluating and priority ranking of either State or local open space  
38 preservation projects for funding pursuant to the Garden State  
39 Preservation Trust Act are potentially based to include the protection  
40 of aquifers, flood-prone areas, and stream corridors.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 889**

# **STATE OF NEW JERSEY**

DATED: MARCH 11, 2002

The Senate Environment Committee reports favorably a Senate Committee Substitute for Senate Bill No. 889.

The committee substitute would require the Department of Environmental Protection (DEP) to adopt guidelines for the evaluation and priority ranking process which shall be used in making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund and from any other source. The guidelines, and any subsequent revisions thereto, shall be published in the New Jersey Register. The committee substitute would also require the DEP when making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, to accord three times the weight to acquisitions of land that would protect water resources, and two times the weight to acquisitions of lands that would protect flood-prone areas, as those criteria are compared to other criteria.

The committee substitute would supplement the factors upon which the criteria and policies to be established by the DEP for evaluating and priority ranking of either State or local open space preservation projects for funding pursuant to the Garden State Preservation Trust Act are potentially based to include the protection of aquifers, flood-prone areas, and stream corridors.

The committee substitute would require the DEP, in consultation with the Office of State Planning in the Department of Community Affairs, to prepare an annual Open Space Master Plan. The plan would indicate those areas of the State where future acquisition and development by the State for recreation and conservation purposes is most likely to occur and those areas of the State where there is a need to protect water resources. The committee substitute would require the Garden State Preservation Trust, with regard to its biennial report, to consult with the Office of State Planning in the Department of Community Affairs, and to include the findings from the DEP's Open Space Master Plan in its biennial report. Further, the committee substitute would require the biennial report to include a tabulation of



the total acreage in the State, and the acreage in each county and municipality, of the lands acquired for recreation and conservation purposes that protect water resources and that protect flood-prone areas. The committee substitute includes a provision requiring the DEP to provide the Garden State Preservation Trust with the information the Trust deems necessary in preparing its biennial report.

The committee substitute would authorize the DEP and the Department of Agriculture to adopt rules and regulations jointly to establish standards and requirements regulating any activity on lands acquired by the State for farmland preservation purposes using constitutionally dedicated moneys to assure that the activity on those lands does not diminish the protection of surface water or groundwater resources.

The committee substitute would also authorize the DEP to adopt rules and regulations regulating any activity on lands acquired by the State for recreation and conservation purposes using constitutionally dedicated moneys to assure that the activity on those lands does not diminish the protection of surface water or groundwater resources. These rules and regulations would only apply to activities on lands acquired by the State after the rule adoption.

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 889**

with Senate Floor Amendments  
(Proposed By Senator B.SMITH)

ADOPTED: MARCH 21, 2002

These amendments change the State agency that, with the Department of Environmental Protection (DEP), is to develop certain rules for the protection of water resources under the bill concerning lands acquired by the State for farmland preservation purposes using constitutionally dedicated moneys, from the Department of Agriculture to the State Agriculture Development Committee (SADC). Also, the amendments provide that the rules may establish standards regulating any improvement on lands, rather than any activity on lands acquired by the State for farmland preservation purposes. Further, the amendments change the bill to require, rather than authorize, the adoption of the rules for the protection of water resources, by the DEP for lands acquired by the State for recreation and conservation purposes, and by the SADC and DEP, jointly, for lands acquired by the State for farmland preservation purposes. The amendments also require the DEP, in the development of the Open Space Master Plan, and the Garden State Preservation Trust, in the development of its biennial report, to consult with the Pinelands Commission. Finally, the amendments make several technical changes to the bill.

# ASSEMBLY, No. 1997

---

## STATE OF NEW JERSEY

### 210th LEGISLATURE

---

INTRODUCED MARCH 4, 2002

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

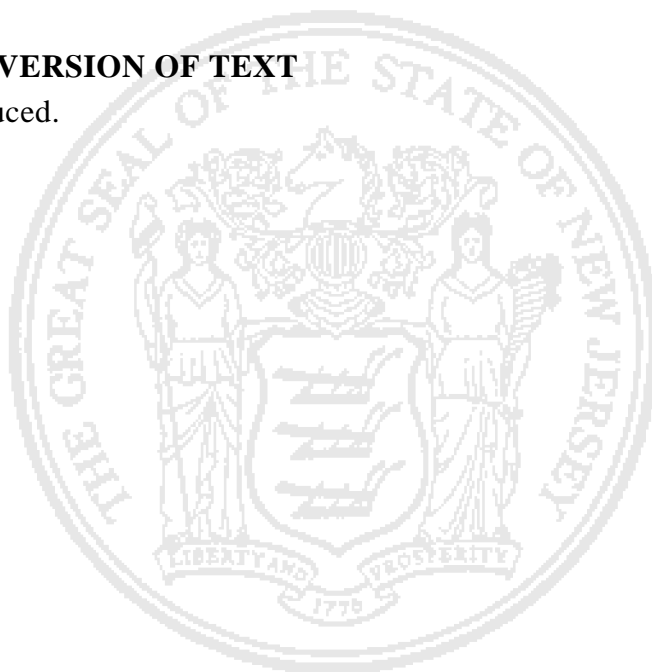
**Assemblyman Ahearn**

**SYNOPSIS**

Establishes protection of water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, and stream corridors as first priority under State open space preservation program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/15/2002)**

A1997 GUSCIORA, CHIVUKULA

2

1 AN ACT concerning the preservation of lands for recreation and  
2 conservation purposes and amending P.L.1999, c.152.

3

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

6

7 1. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to read  
8 as follows:

9 24. a. (1) There is established in the Department of Environmental  
10 Protection the Office of Green Acres. The commissioner may appoint  
11 an administrator or director who shall supervise the office, and the  
12 department may employ such other personnel and staff as may be  
13 required to carry out the duties and responsibilities of the department  
14 and the office pursuant to this act, all without regard to the provisions  
15 of Title 11A, Civil Service, of the New Jersey Statutes. Persons  
16 appointed or employed as provided pursuant to this subsection shall  
17 be compensated in a manner similar to other employees in the  
18 Executive Branch, and their compensation shall be determined by the  
19 Commissioner of Personnel.

20 (2) The Green Acres Program in the Department of Environmental  
21 Protection, together with all of its functions, powers and duties, are  
22 continued and transferred to and constituted as the Office of Green  
23 Acres in the Department of Environmental Protection. Whenever, in  
24 any law, rule, regulation, order, contract, document, judicial or  
25 administrative proceeding or otherwise, reference is made to the Green  
26 Acres Program, the same shall mean and refer to the Office of Green  
27 Acres in the Department of Environmental Protection. This transfer  
28 shall be subject to the provisions of the "State Agency Transfer Act,"  
29 P.L.1971, c.375 (C.52:14D-1 et seq.).

30 b. The duties and responsibilities of the office shall be as follows:

31 (1) Administer all provisions of this act pertaining to funding the  
32 acquisition and development of lands for recreation and conservation  
33 purposes as authorized pursuant to Article VIII, Section II, paragraph  
34 7 of the State Constitution;

35 (2) Continue to administer all grant and loan programs for the  
36 acquisition and development of lands for recreation and conservation  
37 purposes, including the Green Trust, established or funded for those  
38 purposes pursuant to: P.L.1961, c.45 (C.13:8A-1 et seq.); P.L.1971,  
39 c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or  
40 any Green Acres bond act; and

41 (3) Adopt, with the approval of the commissioner and pursuant to  
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43 seq.), rules and regulations:

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

**Matter underlined thus is new matter.**

1 (a) establishing application procedures for grants and loans for the  
2 acquisition and development of lands for recreation and conservation  
3 purposes, criteria and policies for the evaluation and priority ranking  
4 of projects for eligibility to receive funding for recreation and  
5 conservation purposes using constitutionally dedicated moneys, any  
6 conditions that may be placed on the award of a grant or loan for  
7 recreation and conservation purposes pursuant to this act, and any  
8 restrictions that may be placed on the use of lands acquired or  
9 developed with a grant or loan for recreation and conservation  
10 purposes pursuant to this act. The criteria and policies established  
11 pursuant to this subparagraph for the evaluation and priority ranking  
12 of projects for eligibility to receive funding for recreation and  
13 conservation purposes using constitutionally dedicated moneys may be  
14 based upon, but need not be limited to, such factors as: protection of  
15 the environment, natural resources, water resources, watersheds,  
16 aquifers, wetlands, floodplains and flood-prone areas, stream  
17 corridors, beaches and coastal resources, forests and grasslands, scenic  
18 views, biodiversity, habitat for wildlife, rare, threatened, or  
19 endangered species, and plants; degree of likelihood of development;  
20 promotion of greenways; provision for recreational access and use;  
21 protection of geologic, historic, archaeological, and cultural resources;  
22 relative cost; parcel size; and degree of public support; and

23 (b) addressing any other matters deemed necessary to implement  
24 and carry out the goals and objectives of Article VIII, Section II,  
25 paragraph 7 of the State Constitution and this act with respect to the  
26 acquisition and development of lands for recreation and conservation  
27 purposes; and

28 (4) Establishing criteria and policies for the evaluation and priority  
29 ranking of State projects to acquire and develop lands for recreation  
30 and conservation purposes using constitutionally dedicated moneys,  
31 which criteria and policies may be based upon, but need not be limited  
32 to, such factors as: protection of the environment, natural resources,  
33 water resources, watersheds, aquifers, wetlands, floodplains and flood-  
34 prone areas, stream corridors, beaches and coastal resources, forests  
35 and grasslands, scenic views, biodiversity, habitat for wildlife, rare,  
36 threatened, or endangered species, and plants; degree of likelihood of  
37 development; promotion of greenways; provision for recreational  
38 access and use; protection of geologic, historic, archaeological, and  
39 cultural resources; relative cost; parcel size; and degree of public  
40 support.

41 (cf: P.L.1999, c.152, s.24)

42

43 2. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to read  
44 as follows:

45 26. a. Moneys appropriated from the Garden State Green Acres  
46 Preservation Trust Fund to the Department of Environmental

1 Protection shall be used by the department to:

2 (1) Pay the cost of acquisition and development of lands by the  
3 State for recreation and conservation purposes;

4 (2) Provide grants and loans to assist local government units to pay  
5 the cost of acquisition and development of lands for recreation and  
6 conservation purposes; and

7 (3) Provide grants to assist qualifying tax exempt nonprofit  
8 organizations to pay the cost of acquisition and development of lands  
9 for recreation and conservation purposes.

10 b. The expenditure and allocation of constitutionally dedicated  
11 moneys for recreation and conservation purposes shall reflect the  
12 geographic diversity of the State to the maximum extent practicable  
13 and feasible.

14 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
15 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted  
16 pursuant thereto, to the contrary, the value of a pinelands development  
17 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1  
18 et seq.) and the pinelands comprehensive management plan adopted  
19 pursuant thereto, shall be made utilizing a value to be determined by  
20 either appraisal, regional averaging based upon appraisal data, or a  
21 formula supported by appraisal data. The appraisal and appraisal data  
22 shall consider as appropriate: land values in the pinelands regional  
23 growth areas; land values in counties, municipalities, and other areas  
24 reasonably contiguous to, but outside of, the pinelands area; and other  
25 relevant factors as may be necessary to maintain the environmental,  
26 ecological, and agricultural qualities of the pinelands area.

27 (2) No pinelands development credit allocated to a parcel of land  
28 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands  
29 comprehensive management plan adopted pursuant thereto that is  
30 acquired or obtained in connection with the acquisition of the parcel  
31 for recreation and conservation purposes by the State, a local  
32 government unit, or a qualifying tax exempt nonprofit organization  
33 using constitutionally dedicated moneys in whole or in part may be  
34 conveyed in any manner. All such pinelands development credits shall  
35 be retired permanently.

36 d. (1) (a) For State fiscal years 2000 through 2004 only, when the  
37 department, a local government unit, or a qualifying tax exempt  
38 nonprofit organization seeks to acquire lands for recreation and  
39 conservation purposes using constitutionally dedicated moneys in  
40 whole or in part or Green Acres bond act moneys in whole or in part,  
41 it shall conduct or cause to be conducted an appraisal or appraisals of  
42 the value of the lands that shall be made using the land use zoning of  
43 the lands (i) in effect at the time of proposed acquisition, and (ii) in  
44 effect on November 3, 1998 as if that land use zoning is still in effect  
45 at the time of proposed acquisition. The higher of those two values  
46 shall be utilized by the department, a local government unit, or a

1 qualifying tax exempt nonprofit organization as the basis for  
2 negotiation with the landowner with respect to the acquisition price  
3 for the lands. The landowner shall be provided with both values  
4 determined pursuant to this subparagraph.

5 A landowner may waive any of the requirements of this paragraph  
6 and may agree to sell the lands for less than the values determined  
7 pursuant to this paragraph.

8 (b) After the date of enactment of P.L.2001, c.315 and through  
9 June 30, 2004, in determining the two values required pursuant to  
10 subparagraph (a) of this paragraph, the appraisal shall be made using  
11 not only the land use zoning but also the Department of Environmental  
12 Protection wastewater, water quality and watershed management rules  
13 and regulations and associated requirements and standards applicable  
14 to the lands subject to the appraisal (i) in effect at the time of  
15 proposed acquisition, and (ii) in effect on November 3, 1998 as if  
16 those rules and regulations and associated requirements and standards  
17 are still in effect at the time of proposed acquisition.

18 (2) The requirements of this subsection shall be in addition to any  
19 other requirements of law, rule, or regulation not inconsistent  
20 therewith.

21 (3) This subsection shall not:

22 (a) apply if the land use zoning of the lands at the time of proposed  
23 acquisition, and the Department of Environmental Protection  
24 wastewater, water quality and watershed management rules and  
25 regulations and associated requirements and standards applicable to  
26 the lands at the time of proposed acquisition, have not changed since  
27 November 3, 1998;

28 (b) apply in the case of lands to be acquired with federal moneys  
29 in whole or in part;

30 (c) apply in the case of lands to be acquired in accordance with  
31 subsection c. of this section;

32 (d) apply to projects funded using constitutionally dedicated  
33 moneys appropriated pursuant to the annual appropriations act for  
34 State fiscal year 2000 (P.L.1999, c.138); or

35 (e) alter any requirements to disclose information to a landowner  
36 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
37 (C.20:3-1 et seq.).

38 e. Moneys appropriated from the fund may be used to match  
39 grants, contributions, donations, or reimbursements from federal aid  
40 programs or from other public or private sources established for the  
41 same or similar purposes as the fund.

42 f. Moneys appropriated from the fund shall not be used by local  
43 government units or qualifying tax exempt nonprofit organizations to  
44 acquire lands that are already permanently preserved for recreation and  
45 conservation purposes, as determined by the department.

1 g. Whenever lands are donated to the State by a public utility, as  
2 defined pursuant to Title 48 of the Revised Statutes, for recreation and  
3 conservation purposes, the commissioner may make and keep the lands  
4 accessible to the public, unless the commissioner determines that  
5 public accessibility would be detrimental to the lands or any natural  
6 resources associated therewith.

7 h. Whenever the State acquires land for recreation and conservation  
8 purposes, the agency in the Department of Environmental Protection  
9 responsible for administering the land shall, within six months after the  
10 date of acquisition, inspect the land for the presence of any buildings  
11 or structures thereon which are or may be historic properties and,  
12 within 60 days after completion of the inspection, provide to the New  
13 Jersey Historic Preservation Office in the department (1) a written  
14 notice of its findings, and (2) for any buildings or structures which are  
15 or may be historic properties discovered on the land, a request for  
16 determination of potential eligibility for inclusion of the historic  
17 building or structure in the New Jersey Register of Historic Places.  
18 Whenever such a building or structure is discovered, a copy of the  
19 written notice provided to the New Jersey Historic Preservation Office  
20 shall also be sent to the New Jersey Historic Trust and to the county  
21 historical commission or advisory committee, the county historical  
22 society, the local historic preservation commission or advisory  
23 committee, and the local historical society if any of those entities exist  
24 in the county or municipality wherein the land is located.

25 i. (1) Commencing July 1, 2004 and until five years after the date  
26 of enactment of P.L.2001, c.315, when the department, a local  
27 government unit, or a qualifying tax exempt nonprofit organization  
28 seeks to acquire lands for recreation and conservation purposes using  
29 constitutionally dedicated moneys in whole or in part or Green Acres  
30 bond act moneys in whole or in part, it shall conduct or cause to be  
31 conducted an appraisal or appraisals of the value of the lands that shall  
32 be made using the Department of Environmental Protection  
33 wastewater, water quality and watershed management rules and  
34 regulations and associated requirements and standards applicable to  
35 the lands subject to the appraisal (a) in effect at the time of proposed  
36 acquisition, and (b) in effect on November 3, 1998 as if those rules and  
37 regulations and associated requirements and standards are still in effect  
38 at the time of proposed acquisition. The higher of those two values  
39 shall be utilized by the department, a local government unit, or a  
40 qualifying tax exempt nonprofit organization as the basis for  
41 negotiation with the landowner with respect to the acquisition price  
42 for the lands. The landowner shall be provided with both values  
43 determined pursuant to this paragraph. A landowner may waive any  
44 of the requirements of this paragraph and may agree to sell the lands  
45 for less than the values determined pursuant to this paragraph.



1 (2) The requirements of this subsection shall be in addition to any  
2 other requirements of law, rule, or regulation not inconsistent  
3 therewith.

4 (3) This subsection shall not:

5 (a) apply if the Department of Environmental Protection  
6 wastewater, water quality and watershed management rules and  
7 regulations and associated requirements and standards applicable to  
8 the lands at the time of proposed acquisition have not changed since  
9 November 3, 1998;

10 (b) apply in the case of lands to be acquired with federal moneys  
11 in whole or in part;

12 (c) apply in the case of lands to be acquired in accordance with  
13 subsection c. of this section; or

14 (d) alter any requirements to disclose information to a landowner  
15 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
16 (C.20:3-1 et seq.).

17 j. In making decisions concerning the acquisition of lands by the  
18 State for recreation and conservation purposes using moneys from the  
19 Garden State Green Acres Preservation Trust Fund, the department  
20 shall give first priority consideration to acquiring lands that would  
21 protect water resources, watersheds, aquifers, wetlands, floodplains  
22 and flood-prone areas, or stream corridors.

23 (cf: P.L.2001, c.315, s.1)

24

25 3. This act shall take effect immediately.

26

27

28

#### STATEMENT

29

30 This bill would require the Department of Environmental Protection  
31 (DEP), when making decisions concerning the acquisition of lands by  
32 the State for recreation and conservation purposes using moneys from  
33 the Garden State Green Acres Preservation Trust Fund, to give first  
34 priority consideration to acquiring lands that would protect water  
35 resources, watersheds, aquifers, wetlands, floodplains and flood-prone  
36 areas, or stream corridors. The bill would also supplement the factors  
37 upon which the criteria and policies to be established by the DEP for  
38 evaluating and priority ranking of either State or local open space  
39 preservation projects for funding pursuant to the Garden State  
40 Preservation Trust Act are potentially based to include the protection  
41 of aquifers, flood-prone areas, and stream corridors.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1997**

**STATE OF NEW JERSEY**

DATED: MARCH 11, 2002

The Assembly Environment and Solid Waste Committee favorably reports the Assembly Committee Substitute for Assembly Bill No. 1997.

The committee substitute would require the Department of Environmental Protection (DEP) to adopt guidelines for the evaluation and priority ranking process which shall be used in making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund and from any other source. The guidelines, and any subsequent revisions thereto, shall be published in the New Jersey Register. The committee substitute would also require the DEP when making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, to accord three times the weight to acquisitions of land that would protect water resources, and two times the weight to acquisitions of lands that would protect flood-prone areas, as those criteria are compared to other criteria.

The committee substitute would supplement the factors upon which the criteria and policies to be established by the DEP for evaluating and priority ranking of either State or local open space preservation projects for funding pursuant to the Garden State Preservation Trust Act are potentially based to include the protection of aquifers, flood-prone areas, and stream corridors.

The committee substitute would require the DEP, in consultation with the Office of State Planning in the Department of Community Affairs, to prepare an annual Open Space Master Plan. The plan would indicate those areas of the State where future acquisition and development by the State for recreation and conservation purposes is most likely to occur and those areas of the State where there is a need to protect water resources. The committee substitute would require the Garden State Preservation Trust, with regard to its biennial report, to consult with the Office of State Planning in the Department of

Community Affairs, and to include the findings from the DEP's Open Space Master Plan in its biennial report. Further, the committee substitute would require the biennial report to include a tabulation of the total acreage in the State, and the acreage in each county and municipality, of the lands acquired for recreation and conservation purposes that protect water resources and that protect flood-prone areas. The committee substitute includes a provision requiring the DEP to provide the Garden State Preservation Trust with the information the Trust deems necessary in preparing its biennial report.

The committee substitute would authorize the State Agriculture Development Committee, in consultation with the DEP, to adopt rules and regulations to establish standards and requirements regulating any activity on lands acquired by the State for farmland preservation purposes using constitutionally dedicated moneys to assure that the activity on those lands does not diminish the protection of surface water or groundwater resources. These rules and regulations would only apply to activities on lands acquired by the State after the rule adoption.

The committee substitute would also authorize the DEP to adopt rules and regulations regulating any activity on lands acquired by the State for recreation and conservation purposes using constitutionally dedicated moneys to assure that the activity on those lands does not diminish the protection of surface water or groundwater resources. These rules and regulations would only apply to activities on lands acquired by the State after the rule adoption.

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1997**

with Assembly Floor Amendments  
(Proposed By Assemblyman GUSCIORA)

ADOPTED: MARCH 25, 2002

These amendments make the Assembly Committee Substitute for Assembly Bill No. 1997 identical to the first reprint of the Senate Substitute for Senate Bill No. 889, as the Senate substitute was amended on March 21, 2002.

Specifically, the amendments provide that the rules and regulations that the State Agriculture Development Committee (SADC) was to develop for the protection of water resources under the bill concerning lands acquired by the State for farmland preservation purposes using constitutionally dedicated moneys are to be adopted jointly with the Department of Environmental Protection (DEP). Also, the amendments provide that the rules may establish standards regulating any improvement on lands, rather than any activity on lands acquired by the State for farmland preservation purposes. Further, the amendments change the bill to require, rather than authorize, the adoption of the rules for the protection of water resources, by the DEP for lands acquired by the State for recreation and conservation purposes, and by the SADC and DEP, jointly, for lands acquired by the State for farmland preservation purposes. The amendments also require the DEP, in the development of the Open Space Master Plan, and the Garden State Preservation Trust, in the development of its biennial report, to consult with the Pinelands Commission. Finally, the amendments make technical corrections to the bill.

?				?	
?					
?	?	?	?	?	

**Press Releases**

PO BOX 004  
TRENTON, NJ 08625

Contact: Kevin Davitt  
609-777-2600

RELEASE: August 29, 2002

[Previous Screen](#)

### **McGreevey Signs Legislation Making Water Resources High Priorities of Open Space Acquisition**

(TRENTON)—Demonstrating his commitment to preserving open space throughout the State, Governor James E. McGreevey signed legislation today that will protect water resources and establish flood-prone areas as high priorities under New Jersey's Open Space Preservation Program.

"This new law helps to ensure clean drinking water supplies for millions of New Jersey citizens and also serves as a natural buffer against future floods. Safe drinking water must be a top priority of the State's Open Space program," said McGreevey. "I would like to thank Senator Bob Smith, as well as the other legislative sponsors, for their leadership in seeing this important piece of legislation become law."

"By providing water resource protection as a priority and requiring a 'master plan' for open space acquisition, we will ensure that taxpayer dollars are efficiently used to protect open space and water supplies," said Senator Smith.

Senate Bill 889 was sponsored by Senators Bob Smith (D-Middlesex/ Somerset) and Hank McNamara (R-Bergen/ Essex/ Passaic). The Assembly version of the bill, A-1997, was sponsored by Assemblymen Reed Gusciora (D-Mercer) and Upendra Chivukula (D-Middlesex/ Somerset).

The new law will require the Department of Environmental Protection (DEP) to rank certain properties ahead of others when considering which lands to purchase with Green Acres money from the Garden State Preservation Trust Fund. Specifically, when determining which properties to preserve, property that would protect water resources would be given three times the weight and flood-prone areas would be given twice the weight.

"Quality of life, economic prosperity and environmental protection are inextricably linked in New Jersey," said McGreevey. "Protecting and preserving New Jersey's water resources, including our water supply, is essential to our public and economic health. The acquisition of flood-prone areas as part of the State's open space program is in our best interest so that we can prevent the loss of life and property."

"Eight of the last twelve months have been the driest in New Jersey's recorded history. The current drought reminds us that we can not take our State's water supplies for granted,"

added Governor McGreevey. “We can no longer allow our limited drinking water supplies to become polluted and rendered unsafe to drink. We must act now to protect this vital and limited resource so that New Jersey has clean and plentiful water now and in the future.”

Consistent with this legislation, DEP, under Governor McGreevey’s leadership, has already made protection of water resources a top priority in its Green Acres funding package for fiscal year 2003. Open space funding is directed to areas critical to recharging and safeguarding our groundwater and to protecting our reservoirs, rivers and streams. This legislation further supports this effort this new direction.

The benefits of protecting watershed lands are far reaching, stretching across county and municipal boundaries. For example, the core of the Highlands encompasses one million acres of forest that surround and protect the source waters for one-third of New Jersey’scitizens.

The legislation also requires the DEP, in consultation with the Office of State Planning in the Department of Community Affairs, to prepare an annual Open Space Master Plan.

This Master Plan will indicate those areas of the State where future acquisition and development by the State for recreation and conservation is most likely to occur, and those areas where there is a need to protect water resources. It will also require the Garden State Preservation Trust to include findings from the Master Plan in its biennial report, as well as a tabulation of the total acreage in the State, each county and municipality of the lands acquired for recreation and conservation purposes that protect water resources and protect flood-prone areas.

In addition, DEP will be required to adopt rules and regulations to regulate any activity on lands acquired by the State to assure that resources remain protected and to ensure that the protection of surface water or groundwater resources are not diminished.

Furthermore, DEP and the State Agriculture Development Committee will be required to adopt rules and regulations that will jointly establish standards regulating any improvements on lands acquired by the State for farmland preservation purposes to assure that any improvements do not diminish protection of surface or groundwater resources.

DEP will also be required to consult with the Pinelands Commission in the development of the Open Space Master Plan and requires the Garden State Preservation Trust to consult with the Commission in the development of its biennial report.

