

SENATE, No. 2238

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senator BAER

1 AN ACT concerning the Green Acres and coastal Blue Acres programs
2 and supplementing Title 13 of the Revised Statutes.

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

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7 1. a. In addition to any applicable requirements set forth in the
8 Green Acres bond acts and in P.L.1961, c.45 (C.13:8A-1 et seq.),
9 P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155 (C.13:8A-
10 35 et seq.), and in addition to any other criteria the Commissioner of
11 Environmental Protection may deem appropriate, when establishing
12 criteria for ranking State, local, or qualifying tax exempt nonprofit
13 organization projects for eligibility to receive funding from Green
14 Acres bond acts to acquire and develop lands for recreation and
15 conservation purposes, the commissioner shall:

16 (1) Seek to achieve a reasonable balance among all areas of the
17 State in consideration of the relative adequacy of area recreation and
18 conservation facilities at the time and the relative anticipated future
19 needs for additional recreation and conservation facilities;

20 (2) Insofar as practicable, limit acquisition to predominantly open
21 and natural land and minimize the cost of acquisition and the
22 subsequent expense necessary to develop that land for recreation and
23 conservation purposes;

24 (3) Wherever possible, select land for acquisition that is suitable
25 for multiple recreation and conservation purposes;

26 (4) Give due consideration to coordination with the plans of other
27 departments of State Government with respect to land use or
28 acquisition;

29 (5) Avoid acquisition of lands actively devoted to agriculture
30 whenever possible and in lieu thereof, whenever feasible, development
31 rights, conservation easements and other interests less than a fee
32 simple shall be acquired;

33 (6) Seek to achieve the goals and objectives, and meet the
34 requirements and guidelines, of the New Jersey Statewide
35 Comprehensive Outdoor Recreation Plan developed by the Department
36 of Environmental Protection;

37 (7) Promote the goals and objectives of, and seek conformity with,

1 the State Development and Redevelopment Plan adopted pursuant to
2 the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.);

3 (8) Take into consideration the requirements, standards, and
4 policies of State and federal law concerning handicapped or disabled
5 persons, including, but not limited to, the provisions of the "Americans
6 with Disabilities Act of 1990," 42 U.S.C.§12101 et al.;

7 (9) Give special consideration to increasing public access to
8 waterfront areas and to protecting stream corridors, water supplies,
9 and water recharge areas;

10 (10) Give special consideration to applications submitted by local
11 government units that have previously acquired or developed lands for
12 recreation and conservation purposes without any financial assistance
13 from the State;

14 (11) Promote the enhancement, preservation, or restoration of
15 unique natural areas or land types;

16 (12) Promote public access to acquired lands, unless public
17 accessibility would be detrimental to the lands or any natural resources
18 associated therewith;

19 (13) Promote regional and joint efforts to acquire lands for
20 recreation and conservation purposes; and

21 (14) Take into consideration the degree of demonstrated public
22 support for a project.

23 b. Any evaluation criteria or point system utilized by the
24 department for ranking projects for eligibility to receive funding from
25 Green Acres bond acts, or any changes made to that system, shall be
26 adopted, after conducting at least one public hearing thereon, by rule
27 or regulation pursuant to the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.).

29 c. The commissioner shall establish a minimum ranking level below
30 which a project shall not be deemed a quality project worthy of
31 funding even though the project otherwise meets the basic criteria for
32 funding set forth in the Green Acres bond acts.

33 d. No acquisition project may be funded unless at least two
34 appraisals of the parcel's value have been conducted by independent
35 appraisers approved by the commissioner. The commissioner shall
36 certify the fair market value at which the State shall fund the project
37 based upon those appraisals and any other information, reports, or
38 evaluations the commissioner deems appropriate. No project may be
39 funded for an amount exceeding the highest value established by those
40 appraisals. The commissioner may require the applicant to provide the
41 appraisals at any point in the application process, including prior to
42 when the commissioner conducts the project ranking process. A
43 successful applicant may utilize an appropriate portion of the funding
44 received for the project to pay the full cost of conducting the required
45 appraisals.

46 e. For the purposes of this section, "Green Acres bond acts" means

1 P.L.1961, c.46, P.L.1971, c.165, P.L.1974, c.102, P.L.1978, c.118,
2 P.L.1983, c.354, P.L.1989, c.183, P.L.1992, c.88, P.L.1995, c.204,
3 or any bond act subsequently enacted for similar purposes.

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5 2. a. In addition to any applicable requirements set forth in the
6 Blue Acres bond acts and in P.L.1961, c.45 (C.13:8A-1 et seq.),
7 P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155 (C.13:8A-
8 35 et seq.), and in addition to any other criteria the Commissioner of
9 Environmental Protection may deem appropriate, when establishing
10 criteria for ranking coastal Blue Acres projects for eligibility to receive
11 funding from Blue Acres bond acts to acquire lands for recreation and
12 conservation purposes in the coastal area, the commissioner shall:

13 (1) Wherever possible, select land for acquisition that is suitable
14 for multiple recreation and conservation purposes;

15 (2) Give due consideration to coordination with the plans of other
16 departments of State Government with respect to land use or
17 acquisition;

18 (3) Seek to achieve the goals and objectives, and meet the
19 requirements and guidelines, of the New Jersey Statewide
20 Comprehensive Outdoor Recreation Plan developed by the Department
21 of Environmental Protection;

22 (4) Promote the goals and objectives of, and seek conformity with,
23 the State Development and Redevelopment Plan adopted pursuant to
24 the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.);

25 (5) Take into consideration the requirements, standards, and
26 policies of State and federal law concerning handicapped or disabled
27 persons, including, but not limited to, the provisions of the "Americans
28 with Disabilities Act of 1990," 42 U.S.C. §12101 et al.;

29 (6) Take into consideration the extent and feasibility of public
30 access and parking, the extent of damage caused by a storm or
31 storm-related flooding, proximity to other lands already protected or
32 likely to be protected in the future for recreation and conservation
33 purposes, proximity to other lands already acquired or under
34 consideration for acquisition pursuant to the coastal Blue Acres bond
35 program, ease of maintenance of the property, and the extent to which
36 acquisition of the lands will likely help avoid future public costs
37 resulting from storms and storm-related flooding; and

38 (7) Take into consideration the degree of demonstrated public
39 support for a project.

40 b. Any evaluation criteria or point system utilized by the
41 department for ranking coastal Blue Acres projects for eligibility to
42 receive funding from Blue Acres bond acts, or any changes made to
43 that system, shall be adopted, after conducting at least one public
44 hearing thereon, by rule or regulation pursuant to the "Administrative
45 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

46 c. The commissioner shall establish a minimum ranking level below

1 which a coastal Blue Acres project shall not be deemed a quality
2 project worthy of funding even though the project otherwise meets the
3 basic criteria for funding set forth in the Blue Acres bond acts.

4 d. No coastal Blue Acres project may be funded unless at least two
5 appraisals of the parcel's value have been conducted by independent
6 appraisers approved by the commissioner. The commissioner shall
7 certify the fair market value at which the State shall fund the project
8 based upon those appraisals and any other information, reports, or
9 evaluations the commissioner deems appropriate. No project may be
10 funded for an amount exceeding the highest value established by those
11 appraisals. The commissioner may require the applicant to provide the
12 appraisals at any point in the application process, including prior to
13 when the commissioner conducts the project ranking process. A
14 successful applicant may utilize an appropriate portion of the funding
15 received for the project to pay the full cost of conducting the required
16 appraisals.

17 e. For the purposes of this section: "Blue Acres bond acts" means
18 P.L.1995, c.204, or any bond act subsequently enacted for similar
19 purposes; "coastal area" means the area defined and delineated
20 pursuant to section 4 of P.L.1973, c.185 (C.13:19-4); and "coastal
21 Blue Acres project" means any project to acquire, for recreation and
22 conservation purposes, lands in the coastal area that have been
23 damaged by, or may be prone to incurring damage caused by, storms
24 or storm-related flooding, or that may buffer or protect other lands
25 from such damage, and which is funded with monies made available
26 pursuant to a Blue Acres bond act.

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28 3. This act shall take effect immediately.
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31 STATEMENT

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33 This bill would provide a general framework for the evaluation and
34 ranking of projects funded by the Green Acres and coastal Blue Acres
35 bond programs. The bill would consolidate, and in some cases, codify,
36 a number of project evaluation and ranking guidelines found in current
37 statutory law, in the various Green Acres and Blue Acres bond acts,
38 and in current implementing regulations. It would also add a criterion
39 recognizing the importance of the State Development and
40 Redevelopment Plan. The Commissioner of Environmental Protection
41 would retain authority to develop and implement other additional
42 criteria that the commissioner deems appropriate.

43 The bill also would require that any evaluation criteria or point
44 system utilized by the Department of Environmental Protection for
45 ranking projects for funding eligibility under the two programs be
46 adopted as a regulation, after public hearing. In addition, the bill

1 requires the commissioner to establish a minimum ranking level below
2 which a project would not be deemed a quality project worthy of
3 funding even though it otherwise meets the basic criteria for funding
4 set forth in the bond acts. Finally, the bill establishes, expands upon,
5 and, in some cases, codifies certain procedures relating to the appraisal
6 process utilized to evaluate the fair market value of land to be acquired
7 under the two programs. Following these procedures will help
8 safeguard the public interest in acquiring only lands truly worthy of
9 purchase and at the lowest possible price.

10 This bill will help ensure the continued integrity of the funding
11 process for the very popular Green Acres program and the new and
12 experimental coastal Blue Acres program. The current law and
13 regulations pertaining to these programs are a hodgepodge, the
14 inevitable result of enacting eight different bond acts and three
15 implementing laws for the programs since 1961. Some aspects of the
16 funding process are obscure or confusing and, thus, should be the
17 subject of renewed public discussion, clarification, and codification.
18 This bill would accomplish that objective, thereby helping to promote
19 the continued success of these programs.

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24 Establishes certain project ranking procedures and criteria for Green
25 Acres and coastal Blue Acres programs.