

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.