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## **ENVIRONMENTAL PROTECTION**

### **NATURAL AND HISTORIC RESOURCES**

#### **GREEN ACRES PROGRAM**

##### **Notice of Readoption**

##### **Green Acres Program Rules**

##### **Readoption: N.J.A.C. 7:36**

Authority:	N.J.S.A. 13:8A-1 et seq., N.J.S.A. 13:8A-19 et seq., N.J.S.A. 13:8A-35 et seq., N.J.S.A. 13:8C-1 et seq., N.J.S.A. 13:8C-43, et seq., P.L. 1961, c.46, P.L. 1971, c.165, P.L. 1974, c.102, P.L. 1978, c.118, P.L. 1983, c.354, P.L. 1987, c.265, P.L. 1989, c.183, P.L. 1992, c.88, P.L. 1995, c.204, and P.L. 1999, c. 152., P.L. 2007, c. 119, and P.L. 2009, c. 117
Authorized by:	Catherine R. McCabe, Commissioner Department of Environmental Protection
Effective Date:	December 18, 2018
New Expiration Date:	December 18, 2025

**Take Notice** that, pursuant to N.J.S.A. 52:14B-5.1, the Green Acres Program rules at N.J.A.C. 7:36 are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on February 7, 2019. The Department of Environmental Protection (Department) has reviewed these rules and determined that the rules should be readopted because they are necessary, reasonable and proper

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for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Green Acres Program rules establish standards and procedures utilized to: (1) provide Green Acres funding, in the form of loans or matching grants, or both, to local government units, and matching grants to nonprofits, to assist in their efforts to acquire and develop lands to increase and preserve permanent outdoor recreation areas for public use and enjoyment, and conservation areas for the protection of natural resources, such as waterways, wildlife habitat, wetlands, forests, and viewsheds for the benefit of the current and future citizens of the State; (2) ensure that lands acquired or developed with Green Acres funding, and all other lands held by a local government unit for recreation and conservation purposes at the time the local government unit received Green Acres funding, remain permanently in use for recreation and conservation purposes; and (3) allow, in limited circumstances, a local government unit or nonprofit to provide sufficient compensation and obtain approval of the Commissioner and the State House Commission to use land subject to Green Acres restrictions for other than outdoor recreation and conservation purposes.

The Department is currently in the process of soliciting stakeholder input on the existing rules. Subsequent to completion of this process, the Department anticipates initiating rulemaking to propose amendments to improve the rules. Changes under consideration, and to be evaluated during the stakeholder process, may include changes to implement statutory requirements imposed since the rules were last readopted, including changes to reflect the provisions of the Preserve New Jersey Act, N.J.S.A. 13:8C-43, et seq., (which introduced a stewardship grant program and codified the allowance of community gardens on Green Acres encumbered property) and Jake's Law, P.L. 2018, c. 104, (which establishes a funding priority for inclusive playgrounds). The Department may also consider amendments

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to: improve the process for both funding and diversion applications, including the public notice, appraisal, and survey procedures; better define and expand eligibility requirements for funding; define clearer standards for the management of land subject to Green Acres restrictions; improve the process by which a local government unit or nonprofit must obtain approval of the Commissioner and the State House Commission to use land subject to Green Acres restrictions for other than outdoor recreation and conservation purposes; address mitigation, green energy, flood control and green infrastructure projects on Green Acres encumbered parkland; and make clear that no additional Green Acres funds will be provided to applicants who are not fully in compliance with conditions applicable to previously awarded Green Acres funds. Any amendments to the Green Acres Program rules determined to be appropriate will be the subject of a separate notice in the New Jersey Register. The readoption without amendment will provide the Department with time to complete its analysis of appropriate amendments to the current rules, draft proposed new rules, and seek public input on the proposed new rules.