

Exhibit “A”

a local government unit or nonprofit cannot use or permit the use of the proceeds of the bonds in such a way that would cause the bonds to be arbitrage bonds within the meaning of Section 148(a) of the Code.

SUBCHAPTER 2. DEFINITIONS

7:36-2.1 Definitions

The following terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Additional insured” means a person or entity, other than the listed insured, who is protected by an insurance policy, most often in regard to a specific interest.

“Applicant” means, with respect to N.J.A.C. 7:36-3 through 24, the local government unit or nonprofit that is seeking to obtain Green Acres funding. With respect to N.J.A.C. 7:36-25 and 26, “applicant” means a local government unit or nonprofit that is the legal owner of parkland proposed for disposal or diversion.

“Average of the appraisal values” means the average of the land values stated in two appraisals obtained in accordance with N.J.A.C. 7:36-8.3 or 19.3, as applicable.

“Bureau of Tidelands Management” means the Bureau within the Department that administers licenses, leases, and grants for the use of all those lands now or formerly flowed by the mean high tide of a natural waterway.

“Caliper” means the diameter of a tree measured at a point six inches above the ground line if the resulting measurement is no more than four inches. If the resulting measurement is more than four inches, the measurement is made at a point twelve inches above the ground line.

“Certified market value” means, with respect to a given parcel of land, the dollar amount that the Department has certified as the land's market value under N.J.A.C. 7:36-8.4 or 19.4, as applicable.

“Clear cutting” means the removal of all standing trees on a parcel or portion of a parcel.

“Commissioner” means the Commissioner of the Department of Environmental Protection or his or her designated representative.

“Concession agreement” means an agreement, license or permit with a term of one year or less, executed

between a local government unit or nonprofit and another party for the purpose of operating a recreational facility on behalf of the local government unit or nonprofit or providing a service (including, but not limited to food service, equipment rental or maintenance) in support of a recreational facility operated by the local government unit or nonprofit. Any agreement for the use or operation of parkland or a recreation facility on parkland with a term of more than one year shall constitute a “lease” or “use agreement” for the purposes of N.J.A.C. 7:36-25.13 and 25.14.

“Conservation restriction” means an interest in land less than fee simple, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will, or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition; appropriate for conservation of soil or wildlife; appropriate for outdoor recreation or park use; or appropriate as suitable habitat for flora or fauna.

“Convey” means to sell, donate, exchange, transfer, or lease for a term of 25 years or more.

“Cost” means, in addition to the term's usual connotations, the expense of all things deemed necessary or useful and convenient in connection with the acquisition or development of land for recreation and conservation purposes with Green Acres funding, including the cost of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, land surveying, legal, planning, preliminary assessment, or other professional advice, estimates, reports, services, or studies; demolition of structures; acquiring title; obtaining title insurance; undertaking of feasibility studies; and, for local government units, relocation services.

“Cost of acquisition” means, with respect to a given parcel of land, the eligible land cost plus the sum of the allowable project costs, as established at N.J.A.C. 7:36-4.10 for local government units and N.J.A.C. 7:36-15.9 for nonprofits. If the purchase price paid for the parcel by a local government unit or nonprofit is based on the hypothetical land value rather than the eligible land cost, the cost of acquisition means the purchase price, up to the hypothetical land value, plus the sum of the allowable project costs.

“Declaration” means the recordable, written instrument executed by a local government unit that declares that all of the local government unit's funded and unfunded parklands

are subject to the Green Acres restrictions. Such written instrument shall include the local government unit's Recreation and Open Space Inventory and is a component of the project agreement.

“Densely populated county” means a county with a population density of at least 5,000 persons per square mile, according to the most recent Federal decennial census. (See Appendix 1, incorporated herein by reference, for list.)

“Densely populated municipality” means a municipality with a population density of at least 5,000 persons per square mile, according to the most recent Federal decennial census. (See Appendix 1 for list.)

“Department” means the New Jersey Department of Environmental Protection.

“Development” means any improvement to a land or water area of a parkland that is designed to expand or enhance its utilization for outdoor recreation and conservation purposes, and shall include the construction, renovation, or repair of any such improvement, but shall not mean shore protection or beach renourishment or replenishment activities, except as provided at N.J.A.C. 7:36-10.3(a)5 and 21.3(a)5. This term may include any of the following types of ancillary improvements to a parkland: roadways, parking, landscaping, fencing, lighting, utilities, structures, and any other improvement that expands or enhances the use of parkland for outdoor recreation and conservation purposes.

“Diameter at breast height” or “DBH” means the diameter of a tree measured 4 1/2 feet above the ground.

“Dispose of” means to sell, donate, exchange, grant, convey or transfer permanent possession of any legal interest in parkland, in fee simple or by easement or other legal mechanism, to another person or entity for purpose(s) contrary to the Green Acres restrictions.

“Divert” or “diversion” means to use or allow the use or control of parkland for other than recreation and conservation purposes, contrary to the Green Acres restrictions. For example, granting a non-exclusive easement, or leasing or using parkland for other than recreation and conservation purposes, is to divert it.

“Documented occurrence” means the presence of an endangered, threatened, or rare species verified by the Department.

“Eligible land cost” means the certified market value or average of the appraisal values for a parcel, whichever is determined by Green Acres to be the appropriate land valuation method under N.J.A.C. 7:36-8.4 or 19.4, as applicable.

“Endangered species” means species included on the list of endangered species that the Department promulgates pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., and the Endangered Plant Species List Act, N.J.S.A. 13:1B-15.151 et seq., and any species or subspecies of wildlife appearing on any Federal endangered species list or any species or subspecies of plant designated as listed, proposed, or under review by the Federal government pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.

“Estimated land value” means the estimated value of a project site based on any reasonable method that the Department determines to be reliable, such as discussions with real estate or appraisal professionals.

“Facility” or “facilities” means an improvement for recreation and conservation purposes.

“Fee simple” means absolute ownership in land, unencumbered by any other interest or estate.

“Funded parkland” means parkland that a local government unit or nonprofit has acquired or developed with Green Acres funding.

“Garden State Preservation Trust Act” or “GSPT Act” means P.L. 1999, c.152, codified at N.J.S.A. 13:8C-1 et seq.

“Garden State Preservation Trust” or “GSPT” means a public body corporate and politic, established by the Garden State Preservation Trust Act to provide funding to the Department for all or a portion of the cost of projects undertaken by grant or loan recipients in accordance with the purposes and procedures established by the GSPT Act.

“GSPT Fund” means the Garden State Green Acres Preservation Trust Fund established pursuant to N.J.S.A. 13:8C-19.

“Grant incentive project” means an acquisition project that qualified for partial grant funding from Green Acres prior to June 30, 1999, the effective date of the Garden State Preservation Trust Act, due to the land's

environmental sensitivity; historic, cultural, or archaeological significance; waterfront location; inclusion in an Open Space and Recreation Plan; or by virtue of a donation of all or a portion of the project site's land value. A grant incentive project is subject to certain special conditions and limitations as to future use and development, as described in the project agreement for each acquisition and at N.J.A.C. 7:36-25.4.

“Green Acres” or “Green Acres Program” mean the Office of Green Acres in the Department, established by N.J.S.A. 13:8C-24.

“Green Acres Bond Act” or “Green Acres Bond Acts” mean, as applicable, one or more of the following: 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; or P.L. 1992, c.88; P.L. 1995, c.204; or any bond act appropriated for the purpose of funding the acquisition or development of land for public recreation and conservation purposes enacted after the effective date of this chapter.

“Green Acres funding” means a loan or matching grant, or both, to a local government unit, or a matching grant to a nonprofit, for the acquisition of land or the development of outdoor recreation and conservation facility(ies) under the Green Acres laws.

“Green Acres laws” means all Green Acres Bond Acts, the Green Acres statutes, the Garden State Preservation Trust Act, the Green Acres Program rules codified in this chapter and any court cases interpreting the Green Acres bond acts, the Green Acres statutes, the Garden State Preservation Trust Act and the Green Acres Program rules.

“Green Acres restrictions” means all limitations regarding the use, maintenance, disposal, diversion, or development or redevelopment of any parkland imposed under the project agreement, this chapter, the Green Acres laws, and any applicable conservation or historic preservation restriction.

“Green Acres statutes” means N.J.S.A. 13:8A-1 et seq., 13:8A-19 et seq., and 13:8A-35 et seq., as amended or supplemented.

“Held,” when used in this chapter with reference to land, means owned, leased, or otherwise controlled.

“Highlands” means the Highlands Region so designated by the Highlands Water Protection and

Planning Act, N.J.S.A. 13:20-7.

“Highlands Council” means the Highlands Water Protection and Planning Council established pursuant to the Highlands Water Protection and Planning Act, N.J.S.A.13:20-1 et seq.

“Highlands Regional Master Plan” means the regional master plan, or any revision thereof, adopted by the Highlands Water Protection and Planning Council, established pursuant P.L. 2004, c.120, N.J.S.A. 13:20-1 et seq.

“Highly Populated County” means a county with a population density of at least 1,000 persons per square mile, according to the most recent Federal decennial census. (See chapter Appendix I for list.)

“Highly Populated Municipality” means a municipality with a population of at least 35,000 persons, according to the most recent Federal decennial census. (See chapter Appendix I for list.)

“Historic property” means any area, building, facility, property, site, or structure approved for inclusion, or that meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant N.J.S.A. 13:1B-15.128 et seq.

“Historic preservation restriction” means an interest in land less than fee simple, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to preserving a structure or site that is historically significant for its architecture, archaeology or associations.

“Hypothetical land value” means, for a given parcel of land, the value determined by Green Acres based on an appraisal performed in accordance with N.J.A.C. 7:36-8.3 or 19.3, as applicable, which assumes conditions contrary to known facts about existing land use zoning, New Jersey environmental law, and Department regulation. In accordance with the Garden State Preservation Trust Act, the requirement to obtain a hypothetical land value will expire on June 30, 2009.

“Improvement” means any physical change to land made with the intention of expanding or enhancing its use for some specific purpose or purposes.

“Indoor recreation” means active recreation that otherwise is or may be pursued outdoors but, for reasons of extending the season or avoiding inclement weather, is or

may be pursued indoors within a fully or partially enclosed structure, and includes basketball, ice skating, racquet sports, roller skating, swimming, and similar recreational activities and sports as determined by the Department.

“Land” or “lands” means real property, including any improvement, right-of-way, water, riparian and other rights, easements, privileges, and any other rights or interests in, relating to, or connected with real property.

“Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife” or “Landscape Maps” means the Department's maps delineating areas used by or necessary for endangered and threatened species and other priority wildlife to sustain themselves successfully. The maps depict areas of contiguous habitat types (forest, grassland, forested wetland, emergent wetland and beach/dune) that are ranked based upon intersection with documented occurrences of endangered and threatened and priority wildlife species. Mapped habitat areas are classified based upon the status of the wildlife species whose presence is documented. Rank 5 is assigned to areas containing one or more documented occurrences of at least one wildlife species listed as endangered or threatened on the Federal list of endangered and threatened species. Rank 4 is assigned to areas with one or more documented occurrences of at least one State endangered species. Rank 3 is assigned to areas containing one or more documented occurrences of at least one State threatened species. Rank 2 is assigned to areas containing one or more documented occurrences of at least one non-listed State priority wildlife species. The maps also delineate, as Rank 1, habitat areas that meet habitat-specific suitability requirements, such as minimum area criteria for endangered, threatened and priority wildlife species, but that do not intersect with any documented occurrences of such species. The report entitled New Jersey's Landscape Project provides additional information on mapping methodology and is available at the website www.nj.gov/dep/fgw/ensphome.htm or by contacting the address given below. The Department's Landscape Maps may be updated periodically and may be obtained via file download from www.nj.gov/dep/fgw/ensphome.htm or through the Interactive ImapNJ website: www.state.nj.us/dep/gis/imapnj/imapnj.htm or by writing to the Division of Fish and Wildlife, Endangered and Nongame Species Program at: The Landscape Project, NJ Division of Fish and Wildlife, Endangered and Nongame Species Program, PO Box 400, Trenton, NJ 08625-0400

“Local government unit” means a county, municipality, or other political subdivision of the State, or any agency, authority, or other entity thereof the primary purpose of which is to administer, protect, acquire, develop, or maintain lands for recreation and conservation purposes;

“Market value” means the most probable price for which land will sell in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by any unusual benefit to the purchaser.

“Meadowlands” means the Hackensack Meadowlands District as defined in the Hackensack Meadowlands Reclamation and Development Act (N.J.S.A. 13:17-1 et seq.)

“Meadowlands Commission” means the New Jersey Meadowlands Commission created by the Hackensack Meadowlands Reclamation and Development Act (N.J.S.A. 13:17- 1 et seq.)

“New Jersey Forestry and Wetlands Best Management Practices Manual” means the manual prepared by the New Jersey State Forest Service, Division of Parks and Forestry, Department of Environmental Protection, October 1995, as amended. It is available from the Department's Division of Parks and Forestry, State Forest Service, PO Box 404, Trenton, New Jersey, 08625.

“New Jersey Meadowlands Master Plan” means the New Jersey Meadowlands Commission Master Plan as defined in the Meadowlands District Zoning Regulations, which are the rules of the Hackensack Meadowlands District found in N.J.A.C. 19:3 et seq., as authorized under the Hackensack Meadowlands Reclamation and Development Act, N.J.S.A. 13:17-1 et seq.

“Nonprofit” means a corporation or trust whose purposes include the acquisition and preservation of land or water areas or of a particular land or water area, or either thereof, in a natural, scenic or open condition, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and that has received Federal income tax exemption status under section 501(c) of the 1954 Internal Revenue Code, as amended.

“Open Space and Recreation Plan” means the plan developed by a local government unit that identifies existing and potential open space preservation and recreation opportunities in a municipality, county, or region and that is reviewed and approved by Green Acres for

purposes of qualifying a project under the Planning Incentive Acquisition funding award category described at N.J.A.C. 7:36-5.1.

“Parcel” means a piece of land with designated boundaries. A parcel may include multiple tax lots.

“Parkland” means land acquired, developed, and/or used for recreation and conservation purposes, and includes funded and unfunded parkland.

“Person” means any individual, local government unit, nonprofit, corporation, partnership, organization, association, or other entity.

“Pinelands” means the Pinelands Area as designated by section 10 of P.L. 1979, c. 111 (N.J.S.A. 13:18A-11).

“Pinelands Commission” means the commission created by section 4 of P.L. 1979, c. 111 (N.J.S.A. 13:18A-4).

“Pinelands Comprehensive Management Plan” means the plan as defined in N.J.A.C. 7:50, adopted under the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.

“Plan Endorsement” means approval of a municipality's planning documents, including all elements required by the Department of Environmental Protection, by the State Planning Commission pursuant to the State Planning rules at N.J.A.C. 5:85-1 et seq. A local government unit can petition for initial plan endorsement or advanced plan endorsement under the Plan Endorsement Guidelines available from the State Planning Commission's Office of Smart Growth at PO Box 204, Trenton, New Jersey 08625-0204 or on the Commission's web page at www.nj.gov/dca/osg/plan/endorsement.shtml.

“Preliminary assessment” means a process defined under the Department's Technical Requirements for Site Remediation, N.J.A.C. 7:26E, by which a person evaluates a property for the presence of any contaminated area of concern.

“Project” means, for the purposes of N.J.A.C. 7:36-3 through 24, all things deemed necessary or useful and convenient in connection with the acquisition or development of lands for recreation and conservation purposes. For the purposes of N.J.A.C. 7:36-25 and 26, “project” means a plan or proposal for which the disposal or diversion of parkland is requested.

“Project agreement” means the written agreement between the Department and a local government unit or nonprofit, governing the local government unit's or nonprofit's performance of a project and the Department's provision of Green Acres funding for the project. For a local government unit, the project agreement includes the declaration required pursuant to N.J.A.C. 7:36-9.1 or 14.1. For a nonprofit, the project agreement includes the conservation or historic preservation restriction required pursuant to N.J.A.C. 7:36-15.1(d) or 21.1(d).

“Project period” means the period from the earliest of the dates listed at 1 through 3 below until the date that is two years subsequent to the execution of the project agreement or until the last date of any extension approved by the Department under N.J.A.C. 7:36-9.1, 14.1, 20.1, or 24.1.

1. The date of the letter from the Department notifying the local government unit or nonprofit of the amount of the Green Acres funding award;
2. The date of the at-risk authorization provided by Green Acres under N.J.A.C. 7:36-6.3, 12.3, 17.3, or 22.3; or
3. The date on which the local government unit or nonprofit first incurred allowable project costs under N.J.A.C. 7:36-4.10, 10.6, 15.9, or 21.6.

“Project site” means the land as described in the project agreement, in which a local government unit or nonprofit intends to acquire a real property interest, regardless of how acquired, to be held for recreation and conservation purposes, or on which the local government unit or nonprofit intends to develop facilities for recreation and conservation purposes.

“Public entity” means the State, and any county, municipality, district, public authority, public agency, and any other political subdivision or public body in the State.

“Public Trust Doctrine” means the body of common law that provides that public lands, waters, and living resources are held in trust by the government for the benefit of its citizens.

“Qualifying open space referendum county” or “qualifying open space referendum municipality” means any county or municipality, respectively, that has:

1. Approved and implemented, and is collecting and expending the revenue from, an annual levy authorized pursuant to N.J.S.A. 40:12-15.1 et seq. for an amount or

at a rate equivalent to at least one half of one cent per \$100.00 of assessed value of real property, or for an amount or at a rate established by the county or municipality, respectively, and in effect as of April 1, 1999, whichever is greater; or

2. Adopted an alternative means of funding for the same or similar purposes as an annual levy, which the Department approves to be stable and reasonably equivalent in effect to an annual levy for an amount or at a rate determined by the Department.

“Rare species” means wildlife species that are not endangered or threatened wildlife species and considered by the Department to be species of special concern as determined by a panel of experts or that are ranked S1 (critically imperiled in New Jersey because of extreme rarity), S2 (imperiled in New Jersey because of rarity), S3 (rare in New Jersey), G1(critically imperiled globally), G2 (imperiled globally because of rarity) or G3 (globally very rare and local throughout its range or found locally in a restricted range) in the Natural Heritage Database, and Plant Species of Concern listed pursuant to N.J.A.C. 7:5C-3.1. “Species of special concern” means wildlife species that warrant special attention because of evidence of population decline or inherent vulnerability to environmental deterioration or habitat modification that would result in the species becoming threatened if conditions surrounding the species begin or continue to deteriorate. The term includes species for which there is little knowledge of current population status in the State. “Natural Heritage Database” means the manual and computerized file maintained by the Department at www.nj.gov/dep/parksandforests/natural/heritage/index.html that includes continuously updated information on the location and status of rare plant and animal species and ecological communities in New Jersey.

“Recreation and conservation purposes” means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both, pursuant to the Green Acres laws. This term includes the use of historic areas pursuant to 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; and P.L. 1995, c.204; and the use of historic buildings and structures pursuant to P.L. 1992, c.88, and P.L. 1995, c.204.

“Recreation and Open Space Inventory” or “ROSI” means the listing of all of a local government unit's funded and unfunded parkland, including a description sufficient to identify each such parcel.

“Replacement tree” means a nursery-grown tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock established in 2004 by the American Nursery & Landscape Association's American Standard for Nursery Stock, (ANSI Z60.1-2004), incorporated herein by reference, available from the American Nursery & Landscape Association, 1000 Vermont Avenue, NW, Suite 300, Washington, DC 20005, phone (202) 789-2900, fax (202) 789-1893 and at www.anla.org/applications/Documents/Docs/ANLStandard2004.pdf. *[Note: This web address is incorrect. Contact American Nursery & Landscape Association at www.anla.org for the referenced publication. Green Acres regrets the error.]*

“State” means the State of New Jersey or the State of New Jersey acting by and through the Commissioner of the Department, as applicable.

“State House Commission” means that Commission of the State government established under N.J.S.A. 52:20-1, whose approval is required under the Green Acres statutes before a local government unit or nonprofit can dispose of or divert funded or unfunded parkland.

“State Plan” means the New Jersey State Development and Redevelopment Plan, adopted under the State Planning Act, N.J.S.A. 52:18A-196 et seq.

“Structure” means a building or construction for occupancy, use or ornamentation that is installed on, above or below the surface of the ground.

“Support” means to be necessary or useful and convenient to expand or enhance the use of parkland for recreation and conservation purposes.

“Threatened species” means an indigenous nongame wildlife species of New Jersey designated pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-13 et. seq., and its implementing rules, N.J.A.C. 7:25- 4.17, as most recently amended.

“Tidelands” or “riparian lands” means lands now or formerly flowed by the mean high tide of a natural waterway. The State claims fee simple title to such lands unless it has conveyed its interest through a grant.

“Time of receipt of Green Acres funding” means, for a development project, the period from the earlier of the dates listed at 1 and 2 below until the date of the first transmittal of Green Acres funding. For an acquisition project, this term shall mean the period from the earlier of the dates listed at 1 and 2 below until the date of the first transmittal of Green Acres funding for each parcel acquired as part of the project:

1. The date of the letter from the Department notifying the local government unit of the amount of the Green Acres funding award; or
2. The date of the at-risk authorization provided by Green Acres under N.J.A.C. 7:36-6.3 or 12.3.

“Tree” means any deciduous or coniferous species which reaches a typical mature height of twelve feet or more, and has a typical DBH of four inches or more at maturity.

“Unfunded parkland” means parkland, other than funded parkland, that is held by a local government unit for recreation and conservation purposes at the time of receipt of Green Acres funding.

“Urban Aid municipality” means a municipality that qualifies for the Municipal (Urban) Aid Program under N.J.S.A. 52:27D-178.

SUBCHAPTER 3. LOCAL GOVERNMENT UNIT PROJECTS: ELIGIBILITY OF LOCAL GOVERNMENT UNIT APPLICANTS

7:36-3.1 Eligible applicants

Any local government unit that has the authority to enter into a project agreement with the Department and to fulfill the financial obligations imposed under the project agreement, this chapter and the Green Acres laws is eligible to apply for Green Acres funding, unless the local government unit is ineligible under N.J.A.C. 7:36-3.2.

7:36-3.2 Ineligible applicants

(a) The following are ineligible to apply for Green Acres funding:

1. Any school board, educational institution, detention and/or rehabilitation institution, parking authority, housing authority, or similar public agency

without primary recreation and conservation responsibilities;

2. Any local government unit that is in default on any prior obligation to the State;

3. Any local government unit that has not demonstrated reasonable progress in completing a previously approved Green Acres project or is not in compliance with the requirements of this chapter, such as by not maintaining its funded parkland in accordance with the terms of a project agreement; and

4. Any local government unit that does not currently provide, or have active plans to provide, public access to the waterfront and to tidally-flowed and dry sand areas subject to the Public Trust Doctrine, consistent with the requirements of the Coastal Zone Management Rules at N.J.A.C. 7:7E-8.11 and governing law.

SUBCHAPTER 4. LOCAL GOVERNMENT UNIT ACQUISITION PROJECTS: PROJECT ELIGIBILITY, CONDITIONS, AND LIMITATIONS

7:36-4.1 General provisions and funding policies

(a) Local government units may apply to the Department for Green Acres funding for the acquisition of land for recreation and conservation purposes. There is no minimum or maximum loan or matching grant amount that a local government unit may request as a loan or matching grant in such an application.

(b) Each year, the Department shall establish a maximum funding limit per project or per applicant based on total funding requests, available funds, project priorities established under N.J.A.C. 7:36-7.1, the legislative findings of the Garden State Preservation Trust Act (N.J.S.A. 13:8C-2), and such considerations as the local government unit's progress in expending any approved Green Acres funding; geographic distribution of applications; achievement of an approved petition for plan endorsement or, for a local government unit in the Pinelands, certification from the Pinelands Commission that its master plan and land use ordinances or regulations are consistent with the minimum standards of the Pinelands Comprehensive Management Plan, pursuant to N.J.A.C. 7:50-3 Part II or IV, as applicable; and total population or population density of the county and/or municipality(ies) in which the proposed project site is located.

(c) Any Green Acres funding award is subject to