

P.L. 2025, CHAPTER 287, *approved January 20, 2026*
Senate Committee Substitute for
Senate, No. 699

- 1 **AN ACT** concerning the acquisition of development easements on
2 privately-owned woodlands, supplementing Title 4 of the
3 Revised Statutes, and amending P.L.1999, c.152.
4
- 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7
- 8 1. (New section) a. As used in this section:
9 "Local government unit" means the same as that term is defined
10 in section 3 of P.L.1999, c.152 (C.13:8C-3).
11 "Qualifying tax-exempt nonprofit organization" means the same
12 as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).
13 "Woodland" means a defined and continuous area of land that
14 lies wholly within a property and has at least 10 percent canopy
15 cover.
16 b. The State Agriculture Development Committee shall establish
17 a program for the acquisition, by the State, a local government unit,
18 or a qualifying tax-exempt nonprofit organization, of a development
19 easement restricting, in perpetuity, the development of a privately-
20 owned woodland. The purpose of the program shall be to promote
21 the preservation and stewardship of lands for agricultural,
22 silvicultural, and horticultural use and production, and to protect the
23 State's forested lands.
24 c. To be eligible for the acquisition of development rights under
25 the program, a woodland shall:
26 (1) be at least 20 acres in size;
27 (2) be devoted, in whole or in part, to either agricultural
28 production or the production for sale of tree or forest products; and
29 (3) for those areas not in agricultural production, be managed by
30 the landowner in accordance with a forest stewardship plan
31 approved pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31), a
32 woodland management plan approved pursuant to section 3 of the
33 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.3),
34 or a plan approved pursuant to the federal Forest Stewardship
35 Program administered by the United States Forest Service.
36 d. The appraisal process for development easements under the
37 program shall be the same as that for farmland under the provisions
38 of subsection e. of section 8 of P.L.2016, c.12 (C.13:8C-50).

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 e. The State Agriculture Development Committee may use
2 constitutionally dedicated corporation business tax revenues in the
3 "Preserve New Jersey Farmland Preservation Fund" established by
4 section 8 of P.L.2016, c.12 (C.13:8C-50) in order to fund the
5 acquisition of development easements under the program, or any
6 other funds appropriated to the committee for farmland preservation
7 purposes, provided that the use of the funds is consistent with the
8 provisions of the "Preserve New Jersey Act," P.L.2016, c.12
9 (C.13:8C-43 et seq.) and the State Constitution.

10 f. The State Agriculture Development Committee shall
11 coordinate with the United States Forest Service and any other
12 applicable State or federal agency, in order to pursue any federal,
13 State, local, and private funding, which may be available to fund the
14 program established pursuant to this section, including funding
15 made available through the federal "Forest Legacy Program,"
16 administered by the United States Forest Service, and through the
17 federal "Health Forests Reserve Program," administered by the
18 United States Natural Resources Conservation Service.

19 g. No later than one year after the effective date of this section,
20 the State Agriculture Development Committee shall adopt rules and
21 regulations, pursuant to the "Administrative Procedure Act,"
22 P.L.1968, c.410 (C.52:14B-1 et seq.), for the establishment and
23 implementation of the program, including, but not limited to
24 application procedures and criteria and policies for the evaluation
25 and priority ranking of projects.

26 h. Any development easement permanently restricting, in
27 perpetuity, development on privately-owned woodlands acquired
28 pursuant to this section shall be filed with the municipal tax
29 assessor and recorded with the county clerk in the same manner as a
30 deed.

31
32 2. Section 3 of P.L.1999, c.152 (C.13:8C-3) is amended to read
33 as follows:

34 3. As used in sections 1 through 42 of **[this act]** P.L.1999,
35 c.152 (C.13:8C-1 to C.13:8C-42):

36 "Acquisition" or "acquire" means the obtaining of a fee simple or
37 lesser interest in land, including but not limited to a development
38 easement, a conservation restriction or easement, or any other
39 restriction or easement permanently restricting development, by
40 purchase, installment purchase agreement, gift, donation, eminent
41 domain by the State or a local government unit, or devise; except
42 that any acquisition of lands by the State for recreation and
43 conservation purposes by eminent domain shall be only as
44 authorized pursuant to section 28 of P.L.1999, c.152 (C.13:8C-28);

45 "Bonds" means bonds issued by the trust pursuant to **[this act]**
46 P.L.1999, c.152 (C.13:8C-1 et seq.);

47 "Commissioner" means the Commissioner of Environmental
48 Protection;

1 "Committee" means the State Agriculture Development
2 Committee established pursuant to section 4 of P.L.1983, c.31
3 (C.4:1C-4);

4 "Constitutionally dedicated moneys" means any moneys made
5 available pursuant to Article VIII, Section II, paragraph 7 of the
6 State Constitution or through the issuance of bonds, notes, or other
7 obligations by the trust, as prescribed by Article VIII, Section II,
8 paragraph 7 of the State Constitution and P.L.1999, c.152 (C.13:8C-
9 1 et seq.), or any moneys from other sources deposited in the trust
10 funds established pursuant to sections 19, 20, and 21 of P.L.1999,
11 c.152 (C.13:8C-19, C.13:8C-20, and C.13:8C-21), and appropriated
12 by law, for any of the purposes set forth in Article VIII, Section II,
13 paragraph 7 of the State Constitution or **【this act】** P.L.1999, c.152
14 (C.13:8C-1 et seq.);

15 "Convey" or "conveyance" means to sell, donate, exchange,
16 transfer, or lease for a term of 25 years or more;

17 "Cost" means the expenses incurred in connection with: all
18 things deemed necessary or useful and convenient for the
19 acquisition or development of lands for recreation and conservation
20 purposes, the acquisition of development easements or fee simple
21 titles to farmland, or the preservation of historic properties, as the
22 case may be; the execution of any agreements or franchises deemed
23 by the Department of Environmental Protection, State Agriculture
24 Development Committee, or New Jersey Historic Trust, as the case
25 may be, to be necessary or useful and convenient in connection with
26 any project funded in whole or in part using constitutionally
27 dedicated moneys; the procurement or provision of appraisal,
28 archaeological, architectural, conservation, design, engineering,
29 financial, geological, historic research, hydrological, inspection,
30 legal, planning, relocation, surveying, or other professional advice,
31 estimates, reports, services, or studies; the purchase of title
32 insurance; the undertaking of feasibility studies; the establishment
33 of a reserve fund or funds for working capital, operating,
34 maintenance, or replacement expenses and for the payment or
35 security of principal or interest on bonds, as the Director of the
36 Office of Management and Budget in the Department of the
37 Treasury may determine; and reimbursement to any fund of the
38 State of moneys that may have been transferred or advanced
39 therefrom to any fund established by **【this act】** P.L.1999, c.152
40 (C.13:8C-1 et seq.), or any moneys that may have been expended
41 therefrom for, or in connection with, **【this act】** P.L.1999, c.152
42 (C.13:8C-1 et seq.);

43 "Department" means the Department of Environmental
44 Protection;

45 "Development" or "develop" means, except as used in the
46 definitions of "acquisition" and "development easement" in this
47 section, any improvement made to a land or water area designed to
48 expand and enhance its utilization for recreation and conservation

1 purposes, and shall include the construction, renovation, or repair of
2 any such improvement, but shall not mean shore protection or beach
3 nourishment or replenishment activities;

4 "Development easement" means an interest in land, less than fee
5 simple title thereto, which interest represents the right to develop
6 that land for all nonagricultural purposes and which interest may be
7 transferred under laws authorizing the transfer of development
8 potential;

9 "Farmland" means land identified as having prime or unique
10 soils as classified by the Natural Resources Conservation Service in
11 the United States Department of Agriculture, having soils of
12 Statewide importance according to criteria adopted by the State Soil
13 Conservation Committee, established pursuant to R.S.4:24-3, or
14 having soils of local importance as identified by local soil
15 conservation districts, and which land qualifies for differential
16 property taxation pursuant to the "Farmland Assessment Act of
17 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), and any other land on
18 the farm that is necessary to accommodate farm practices as
19 determined by the State Agriculture Development Committee;

20 "Farmland preservation," "farmland preservation purposes," or
21 "preservation of farmland" means the permanent preservation of
22 farmland to support agricultural or horticultural production as the
23 first priority use of that land;

24 "Garden State Farmland Preservation Trust Fund" means the
25 Garden State Farmland Preservation Trust Fund established
26 pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20);

27 "Garden State Green Acres Preservation Trust Fund" means the
28 Garden State Green Acres Preservation Trust Fund established
29 pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19);

30 "Garden State Historic Preservation Trust Fund" means the
31 Garden State Historic Preservation Trust Fund established pursuant
32 to section 21 of P.L.1999, c.152 (C.13:8C-21);

33 "Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165;
34 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
35 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State
36 general obligation bond act that may be approved after the date of
37 enactment of **[this act]** P.L.1999, c.152 (C.13:8C-1 et seq.) for the
38 purpose of providing funding for the acquisition or development of
39 lands for recreation and conservation purposes or for farmland
40 preservation purposes;

41 "Historic preservation," "historic preservation purposes," or
42 "preservation of historic properties" means any work relating to the
43 conservation, improvement, interpretation, preservation, protection,
44 rehabilitation, renovation, repair, restoration, or stabilization of any
45 historic property, and shall include any work related to providing
46 access thereto for persons with disabilities;

47 "Historic property" means any area, building, facility, object,
48 property, site, or structure approved for inclusion, or which meets

1 the criteria for inclusion, in the New Jersey Register of Historic
2 Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.);

3 "Indoor recreation" means active recreation that otherwise is or
4 may be pursued outdoors but, for reasons of extending the season or
5 avoiding inclement weather, is or may be pursued indoors within a
6 fully or partially enclosed building or other structure, and includes
7 basketball, ice skating, racquet sports, roller skating, swimming,
8 and similar recreational activities and sports as determined by the
9 Department of Environmental Protection;

10 "Land" or "lands" means real property, including improvements
11 thereof or thereon, rights-of-way, water, lakes, riparian and other
12 rights, easements, privileges, and all other rights or interests of any
13 kind or description in, relating to, or connected with real property;

14 "Local government unit" means a county, municipality, or other
15 political subdivision of the State, or any agency, authority, or other
16 entity thereof; except, with respect to the acquisition and
17 development of lands for recreation and conservation purposes,
18 "local government unit" means a county, municipality, or other
19 political subdivision of the State, or any agency, authority, or other
20 entity thereof the primary purpose of which is to administer,
21 protect, acquire, develop, or maintain lands for recreation and
22 conservation purposes;

23 "New Jersey Historic Trust" means the entity established
24 pursuant to section 4 of P.L.1967, c.124 (C.13:1B-15.111);

25 "Notes" means the notes issued by the trust pursuant to **[this act]**
26 P.L.1999, c.152 (C.13:8C-1 et seq.);

27 "Permitted investments" means any of the following securities:

28 (1) Bonds, debentures, notes, or other evidences of indebtedness
29 issued by any agency or instrumentality of the United States to the
30 extent such obligations are guaranteed by the United States or by
31 another such agency the obligations (including guarantees) of which
32 are guaranteed by the United States;

33 (2) Bonds, debentures, notes, or other evidences of indebtedness
34 issued by any corporation chartered by the United States, including,
35 but not limited to, Governmental National Mortgage Association,
36 Federal Land Banks, Federal Home Loan Mortgage Corporation,
37 Federal National Mortgage Association, Federal Home Loan Banks,
38 Federal Intermediate Credit Banks, Banks for Cooperatives,
39 Tennessee Valley Authority, United States Postal Service, Farmers
40 Home Administration, Resolution Funding Corporation, Export-
41 Import Bank, Federal Financing Bank, and Student Loan Marketing
42 Association;

43 (3) Bonds, debentures, notes, or commercial paper rated in the
44 highest two rating categories without regard to rating subcategories
45 (derogation) by all nationally recognized investment rating agencies
46 or by a nationally recognized investment rating agency if rated by
47 only one nationally recognized investment rating agency;

1 (4) Repurchase agreements or investment agreements issued by
2 (i) a commercial bank or trust company or a national banking
3 association, each having a capital stock and surplus of more than
4 \$100,000,000, or (ii) an insurance company with the highest rating
5 provided by a nationally recognized insurance company rating
6 agency, or (iii) a broker/dealer, or (iv) a corporation; provided that
7 the credit of such commercial bank or trust company or national
8 banking association or insurance company or broker/dealer or
9 corporation, as the case may be, is rated (or, in the case of a
10 broker/dealer or corporation, whose obligations thereunder are
11 guaranteed by a commercial bank or trust company or a national
12 banking association or insurance company with the highest rating
13 provided by a nationally recognized insurance company rating
14 agency or corporation whose credit is rated) not lower than the
15 "AA" category without regard to rating subcategories (derogation)
16 of any two nationally recognized investment rating agencies then
17 rating the State; provided that any such agreement shall provide for
18 the investment of funds and shall be collateralized by obligations
19 described in paragraph 1 or paragraph 2 or paragraph 3 above at a
20 level of at least one hundred and two (102) percent in principal
21 amount of those obligations;

22 "Pinelands area" means the pinelands area as defined pursuant to
23 section 3 of P.L.1979, c.111 (C.13:18A-3);

24 "Pinelands regional growth area" means a regional growth area
25 established pursuant to the pinelands comprehensive management
26 plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

27 "Project" means all things deemed necessary or useful and
28 convenient in connection with the acquisition or development of
29 lands for recreation and conservation purposes, the acquisition of
30 development easements or fee simple titles to farmland, or the
31 preservation of historic properties, as the case may be;

32 "Qualifying open space referendum county" means any county
33 that has: (1) approved and implemented, and is collecting and
34 expending the revenue from, an annual levy authorized pursuant to
35 P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate
36 equivalent to at least one half of one cent per \$100 of assessed
37 value of real property, or for an amount or at a rate established by
38 the county and in effect as of April 1, 1999, whichever is greater; or
39 (2) adopted an alternative means of funding for the same or similar
40 purposes as an annual levy, which the Department of Environmental
41 Protection, in consultation with the committee and the New Jersey
42 Historic Trust, approves to be stable and reasonably equivalent in
43 effect to an annual levy;

44 "Qualifying open space referendum municipality" means any
45 municipality that has: (1) approved and implemented, and is
46 collecting and expending the revenue from, an annual levy
47 authorized pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an
48 amount or at a rate equivalent to at least one half of one cent per

1 \$100 of assessed value of real property, or for an amount or at a rate
2 established by the municipality and in effect as of April 1, 1999,
3 whichever is greater; or (2) adopted an alternative means of funding
4 for the same or similar purposes as an annual levy, which the
5 Department of Environmental Protection, in consultation with the
6 committee and the New Jersey Historic Trust, approves to be stable
7 and reasonably equivalent in effect to an annual levy;

8 "Qualifying tax exempt nonprofit organization" means a
9 nonprofit organization that is exempt from federal taxation pursuant
10 to section 501 (c)(3) of the federal Internal Revenue Code, 26
11 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to
12 section 27, 39, or 41 of P.L.1999, c.152 (C.13:8C-27, 13:8C-39, or
13 13:8C-41), or section 1 of P.L. , c. (C.) (pending before
14 the Legislature as this bill);

15 "Recreation and conservation purposes" means the use of lands
16 for beaches, biological or ecological study, boating, camping,
17 fishing, forests, greenways, hunting, natural areas, parks,
18 playgrounds, protecting historic properties, water reserves,
19 watershed protection, wildlife preserves, active sports, or a similar
20 use for either public outdoor recreation or conservation of natural
21 resources, or both; and

22 "Trust" means the Garden State Preservation Trust established
23 pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4).
24 (cf: P.L.2017, c.131, s.15)

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

28 37. a. Moneys appropriated from the Garden State Farmland
29 Preservation Trust Fund to the State Agriculture Development
30 Committee for farmland preservation purposes shall be used by the
31 committee to:

32 (1) Provide grants to local government units to pay up to 80【%】
33 percent of the cost of acquisition of development easements on
34 farmland, and to qualifying tax exempt nonprofit organizations to
35 pay up to 50【%】 percent of the cost of acquisition of development
36 easements on farmland as provided in section 39 of 【this act,】
37 P.L.1999, c.152 (C.13:8C-39), or to provide grants to local
38 government units or qualifying tax exempt nonprofit organizations
39 to pay up to 80 percent of the cost of acquisition of development
40 easements on woodlands, as provided in section 1 of P.L. ,
41 c. (C.) (pending before the Legislature as this bill),
42 provided that any funds received for the transfer of a development
43 easement shall be dedicated to the future purchase of development
44 easements on farmland and the State's pro rata share of any such
45 funds shall be deposited in the Garden State Farmland Preservation
46 Trust Fund to be used for the purposes of that fund and provided
47 that the terms of any such development easement to be acquired by

1 a qualifying tax exempt nonprofit organization shall be approved by
2 the committee;

3 (2) Provide grants to local government units to pay up to 80【%】
4 percent of the cost of acquisition of fee simple titles to farmland
5 from willing sellers only, and to qualifying tax exempt nonprofit
6 organizations to pay up to 50【%】 percent of the cost of acquisition
7 of fee simple titles to farmland from willing sellers only as provided
8 in section 39 of 【this act】 P.L.1999, c.152 (C.13:8C-39), which
9 shall be offered for resale or lease with agricultural deed
10 restrictions, as determined by the committee, and any proceeds
11 received from a resale shall be dedicated for farmland preservation
12 purposes and the State's pro rata share of any such proceeds shall be
13 deposited in the Garden State Farmland Preservation Trust Fund to
14 be used for the purposes of that fund;

15 (3) Pay the cost of acquisition by the State of development
16 easements on farmland, or on woodlands, as provided in section 1
17 of P.L. , c. (C.) (pending before the Legislature as this
18 bill), provided that any funds received for the transfer of a
19 development easement shall be deposited in the Garden State
20 Farmland Preservation Trust Fund to be used for the purposes of
21 that fund; and

22 (4) Pay the cost of acquisition by the State of fee simple titles to
23 farmland from willing sellers only, which shall be offered for resale
24 or lease with agricultural deed restrictions, as determined by the
25 committee, and any proceeds received from a resale or lease shall
26 be deposited in the Garden State Farmland Preservation Trust Fund
27 to be used for the purposes of that fund.

28 b. Moneys appropriated from the fund may be used to match
29 grants, contributions, donations, or reimbursements from federal aid
30 programs or from other public or private sources established for the
31 same or similar purposes as the fund.

32 (cf: P.L.1999, c.152, s.37)

33

34 4. This act shall take effect immediately.

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39 Establishes program in SADC for acquisition of development
40 easements on privately-owned woodlands.