

July 14, 2020

State of New Jersey
Department of Environmental Protection
Green Acres Program
Mail Code 501-01
P.O. Box 420
Trenton, NJ 08625-0420

Sent via email: Jessica.Patterson@dep.nj.gov

RE: Green Infrastructure Recommendations for Consideration within the Green Acres Reauthorization, 12/18/2025 – 12/18/2030

Dear Jessica,

The Jersey Water Works (JWW) Green Infrastructure Committee is charged to research and promote the responsible use of green infrastructure measures for stormwater management, its positive impact in alleviating problems associated with sanitary/stormwater combined sewer systems, degraded water quality and flooding impacts to communities within New Jersey's watersheds.

To address the question of the use of green infrastructure practices in New Jersey's network of parks and open space regulated by the New Jersey Department of Environmental Protection's (Department) Green Acres Program (Program), a JWW Green Acres/Parks Subcommittee (Subcommittee) was formed to investigate the present rules and practices within the program and make recommendations for acceptance of park and open space applications that integrate green infrastructure in the proposal's stormwater management design. In 2016, a [Jersey Water Works Green Infrastructure Committee white paper](#) authored by Daniel Van Abs, PhD, PP, AICP, Associate Professor of Practice for Water, Society, and Environment at Rutgers University,

described the issues and recommended possible solutions to minimize determination of a green infrastructure measure for simple approval, as “disposal or diversion” of parklands or the less demanding “change of use” determination. Jersey Water Works has continued to discuss these issues with leadership in the Green Acres program and the Division of Water Resource Management. More recently, this Subcommittee has continued its work to further understand the limitations of the current rule towards green infrastructure, propose revisions that integrate green infrastructure into the Green Acres grant application process while being consistent with the intent of the program and collect information on existing green infrastructure projects in parks.

On behalf of the Green Infrastructure Committee and the Subcommittee of Jersey Water Works, please accept the enclosed comments for consideration for the Department on recommended revisions to the reauthorization of the Green Acres rules. The Subcommittee welcomes continued dialogues, informal and formally, with the Department and its staff to improve the rules to help advance the evaluation and implementation of green infrastructure, when appropriate, across the state of New Jersey.

Should you have any questions, please do not hesitate to reach out to me at (212) 483-7667 or via email at rosana@hudsonriver.org. You may also reach out to Kandyce Perry, backbone staff to both the committee and subcommittee, at (609) 393-0008 extension 108 or via email at kperry@njfuture.org.

Sincerely,



Rosana Da Silva

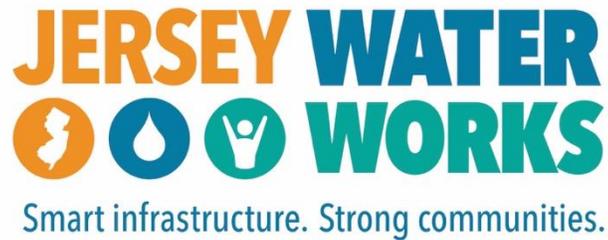
Co-Chair, Green Infrastructure Committee, Jersey Water Works

CC: Ray Bukowski, NJ Department of Environmental Protection
Martha Sapp, NJ Department of Environmental Protection
Judeth Yeany, NJ Department of Environmental Protection
Craig Dorsett, NJ Department of Environmental Protection
Michele Putnam, NJ Department of Environmental Protection
Janice Brogle, NJ Department of Environmental Protection
Christopher Obropta, Co-Chair, Green Infrastructure Committee, Jersey Water Works
Bill Cesanek, Co-Chair, Green Infrastructure Committee, Jersey Water Works
Chris Sturm, New Jersey Future
Kandyce Perry, New Jersey Future
Andrew Tabas, New Jersey Future

Enclosure:

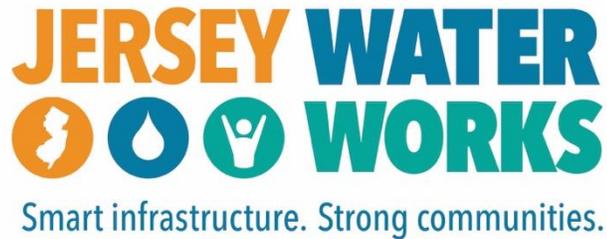
Green Acres Subcommittee 2020 Members

Green Infrastructure Recommendations for Consideration within the Green Acres
Reauthorization, 12/18/2025 – 12/18/2030



2020 Green Acres Subcommittee:

- Jessica Alvarez, Middlesex County Department of Transportation Office of Planning
- Judy Burton, ArvaSero
- Rosana Da Silva, NY-NJ Harbor & Estuary Program, Committee Co-Chair
- Soumya Dharmavaram
- Scott Dvorak, Trust for Public Land
- Steve Jandoli, American Littoral Society
- Emma Melvin, American Littoral Society
- Stacy McCormack, The Nature Conservancy
- Kandyce Perry, New Jersey Future, Committee Support
- Michael Pisauero, The Watershed Institute
- Sonia Szczesna, Tri-State Transportation Campaign
- Nicholas Tufaro, Middlesex County Department of Transportation Office of Planning, Subcommittee Champion
- Daniel Van Abs, Rutgers University



Green Infrastructure Recommendations for Consideration within the Green Acres Reauthorization, 12/18/2025 – 12/18/2030

Issued and Prepared by the Jersey Water Works Green Acres Subcommittee, Green Infrastructure Committee

This document outlines suggested revisions to the Green Acres reauthorization to include and encourage, when appropriate, the evaluation and prioritization of green infrastructure and green stormwater infrastructure practices for conservation purposes regarding watershed protection. This document should be read alongside the current [N.J.A.C. 7:36](#) in which bolded text in this document are suggested revisions, and where highlighted text may need further vetting by the Department.

SUBCHAPTER 1. GENERAL PROVISIONS

7:36-1 Purposes and objectives

At 7:36-1.1(a)1, Revise to add: *watersheds*

...and conservation areas for the protection of natural resources such as waterways, wildlife habitat, wetlands, forests, **watersheds** and viewsheds

N.J.A.C. 7:36 SUBCHAPTER 2. DEFINITIONS

7:36-2.1 Definitions, add the following

“Green infrastructure planning” means a strategic landscape-scale planning approach to open space conservation and watershed protection, whereby local communities, landowners and organizations work together in order to maintain healthy ecological functions, protect, improve and/or restore watershed integrity and conserve natural resources. Incorporating aspects of ecosystem service valuing for natural resources, nature-based solutions, Low Impact Design, environmental conservation planning and, in its subset, green stormwater infrastructure, green infrastructure planning provides a focus on conservation purposes of a specific proposed acquisition or development project for Green Acres consideration.

“Green stormwater infrastructure (GSI)” means an approach to stormwater management that protects, restores, or mimics the natural water cycle to mitigate negative impacts within a watershed impaired by human development. GSI can be a

cost-effective, resilient approach to managing wet weather impacts within its resident watershed while providing many environmental and community benefits. GSI is a stormwater management measure that manages stormwater close to its source by:

- 1. Treating stormwater runoff through infiltration into subsoil;**
- 2. Treating stormwater runoff through filtration by vegetation or soil;**
- or**
- 3. Storing stormwater runoff for reuse.**

At "Recreation and conservation purposes"

The term includes **green infrastructure planning and implementation of green stormwater infrastructure for watershed protection and** the use of historic areas.....

Page 10, *add*

"Watershed" means an area of land that drains all the surface water--lakes, streams, reservoirs, and wetlands--and all the underlying groundwater and rainfall to a common outlet such as the outflow of a reservoir, mouth of a river or bay, or any point along a stream channel. A watershed may also be referred to as a basin, drainage area or catchment area. Drainage divides -- connected highest elevation points, ridges and hills in the landscape -- form the perimeter boundaries between watersheds. Larger basin-sized watersheds contain many smaller watersheds, sub watersheds, drainage areas and catchments. Watersheds are important because the streamflow and the water quality of a river are affected by things, human-induced or not, happening in the land area "above" the river-outflow point.

The determined watershed, nested sub-watershed, smaller drainage area or catchment of a proposal and its specific location within the watershed defines the scale of green infrastructure planning and green stormwater infrastructure measures appropriate for consideration in Green Acres acquisition and development projects.

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

At N.J.A.C.7:36-4.2 (a) Eligible projects

Add either option

5. Lands suitable for GI and GSI implementation to advance the conservation purpose as a watershed protection measure.

5. Land suitable for green infrastructure planning and green stormwater infrastructure where these measures are indicated for watershed protection, restoration and mitigation of negative impacts within a subject property's watershed and consistent with the definitions found at NJAC 7:36-2.1.

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N.J.A.C.7:36-4.7 Acquisition of conservation restrictions or historic preservation restrictions

N.J.A.C.7:36-4.7 (a) A local government unit may acquire a permanent conservation restriction with Green Acres funding, provided the restriction fulfills a public need or serves a compelling public purpose, as determined by Green Acres, by:

Add either option:

4. Providing significant benefits for conservation purposes in the protection of watersheds to restore natural functioning within impaired sub-watersheds.

4. Providing application of Green infrastructure planning measures and Green stormwater infrastructure within the conservation area to provide a benefit for conservation purposes regarding watershed protection in the surrounding drainage area and consistent with the definitions found at NJAC 7:36-2.1.

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SUBCHAPTER 7. LOCAL GOVERNMENT UNIT ACQUISITION PROJECTS: AWARD CRITERIA; APPLICATION RANKING AND EVALUATION

7.1 Project award criteria

For “project meets environmental protection goals”

At 7.1(b) 2.i, Add

(6) Establish significant benefits for conservation purposes regarding watershed protection in the surrounding drainage area through the application of green infrastructure planning and GSI measures within the conservation area, zero to three points.

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For “project creates or extends a greenway or protects a water resource area”

At 7.1(b) 2 ii, Add

(6) Establish significant benefits for conservation purposes regarding watershed protection in the surrounding drainage area through the application of green infrastructure planning and green stormwater infrastructure measures within the conservation area, zero to three points.

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For “project creates or extends a greenway or protects a water resource area”

At 7.1(b) 6, Add below as “vii” and re-number remaining list to “xiv”

vii. GSI measures within the conservation area, one point.

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SUBCHAPTER 10. LOCAL GOVERNMENT UNIT DEVELOPMENT PROJECTS: PROJECT ELIGIBILITY, CONDITIONS AND

7.:36-10.2 Eligible projects

At 7:36 -10.2(a) add:

9. GSI measures that contribute to conservation purposes regarding watershed protection within the local watershed and consistent with the definitions found at NJAC 7:36-2.1.

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Subchapter 13

13.1 Project Award criteria

At 7:36(b) 4. Add below as “viii” and re-number remaining list to “xvii”

viii. green stormwater infrastructure measures within the conservation area, one point.

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At 7:36.1 6 For “project whose design minimizes adverse impacts on the environmentally sensitive features of the site, by evaluating the degree to which:”, Add:

iv. the project incorporates green infrastructure planning and green infrastructure measures to improve conditions within the existing impaired local watershed, zero to four points.

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Subchapter 15.2 Eligible projects

At 7:36-15.2(a) Add:

5. Land suitable for conservation purposes regarding watershed protection in the surrounding drainage area through the application of green infrastructure planning and green stormwater infrastructure measures and consistent with the definitions found at NJAC 7:36-2.1.

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Subchapter 18.1 Project award criteria.

At 18.1 (b) 2 i. Add

(6) Establish significant benefits for conservation purposes regarding watershed protection in the surrounding drainage area through the application of green infrastructure planning and green stormwater infrastructure measures within the conservation area, zero to three points.

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Subchapter 21.2 Eligible projects.

At 7:36-21.2 (a) Add:

9. Green stormwater infrastructure measures that contribute to conservation purposes regarding watershed protection within the local watershed and consistent with the definitions found at NJAC 7:36-2.1.

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Subchapter 23.1 Project award criteria.

At 7:36-23.1(a) 4 Add *below as “viii” and re-number* remaining list to “xv”:

viii. green stormwater infrastructure measures within the conservation area, one point.

At 7:36-23.1(a) 5 add

iv. the project incorporates green infrastructure planning and green infrastructure measures to improve conditions within the existing local watershed to mitigate or prevent water quality impairments, zero to four points.

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Subchapter 25.1 Maintenance requirements for funded parkland: compliance inspection

At 7:36-25.1 (c).5 iv, Add *below as “iv” and re-number* remaining list to “v”:

iv. Comments, if any, regarding the proper maintenance of green stormwater infrastructure measures employed at the project location in conformance with green infrastructure guidance provided by the United States Environmental Protection Agency (USEPA), the New Jersey Department of Environmental Protection (NJDEP) and recognized industry leaders, such as the National Green Infrastructure Certification Program (NGICP)