EXECUTIVE ORDERS

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 71
Pinelands Planning Commission
Repeals Executive Order No. 56—March 10, 1979

WHEREAS, The New Jersey Pinelands, containing approximately 1,000,000 acres of pine-oak forest, extensive surface and ground water resources of high quality, and a wide diversity of rare plant and animal species, provides significant ecological, natural, cultural, recreational, educational, agricultural, and public health benefits; and

WHEREAS, There is a State and national interest in protecting and preserving these benefits for the residents of and visitors to the area; and

WHEREAS, A primary responsibility for protecting and enhancing these benefits resides with the State and the various local units of government having jurisdiction over the area; and

WHEREAS, In view of the longstanding Federal practice of assisting the States in creating, protecting, preserving, and enhancing areas of significant regional and urban importance, and in view of the national significance of this resource, the United States Congress on October 13, 1978 passed the National Parks and Recreation Act of 1978, P. L. 95–625, (“the federal act”) to assist the State and its local units of government in fulfilling their responsibilities and in avoiding adverse federally approved or assisted impacts before these responsibilities can be undertaken; and

WHEREAS, There is a demonstrated need to protect, preserve, and enhance the land and water resources of the Pinelands area through a new program which combines the capabilities and resources of the local, state, and federal governments; and

WHEREAS, The Secretary of Interior on December 10, 1978, pursuant to the federal act, requested the Governor to establish the Pinelands planning entity as required by that act; and

WHEREAS, The Pinelands Review Committee, created by Executive Order 56 on May 28, 1977 has capably carried out its mandates; and
WHEREAS, As recognized by the Pinelands Review Committee, there is an immediate need to take strong decisive action to strictly control development of the Pinelands while planning required by federal law is under way; and

WHEREAS, Approximately 2,100 random and scattered housing units covering almost 3,900 acres have been approved in the Pinelands in 1978; and

WHEREAS, Such continuing random and scattered development and construction, if not controlled, pose a direct threat to the great variety of rare, threatened and endangered plant and wildlife in the region; and

WHEREAS, Despite the fact that the Pinelands is the region in the United States most highly threatened by forest fires, random and scattered development and construction continue to place increasing levels of population and property in potential significant danger; and

WHEREAS, The Pinelands contains several wild and scenic rivers which are presently threatened by development and construction which would significantly impair their aesthetic integrity and value; and

WHEREAS, The present rapidly increasing volumes of storm water runoff associated with development and construction, if not controlled, pose a significant threat to the lives and property of downstream residents and the integrity of the stream systems; and

WHEREAS, The degraded water quality resulting from such storm water runoff, if not controlled, poses a direct threat to the viability of New Jersey’s multimillion dollar agricultural industry and to the only healthy shellfishery which remains in the State’s coastal bays;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. a. There is hereby established a Pinelands Planning Commission ("the Commission") consisting of seven members appointed by the Governor; one member each appointed by the governing bodies of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Ocean counties; and one member appointed by the
Secretary of Interior. This Commission shall serve to fulfill the requirements of the federal act with regard to the creation of a Pinelands planning entity. The membership of the Commission shall include residents of the Pinelands who represent economic activities such as agriculture in the area, as well as, residents of the State who represent conservation interests. Pursuant to the federal act, all appointments shall be made no later than March 10, 1979. The Governor shall designate the chairman of the Commission and shall appoint an Executive Director of the Commission who shall be the chief administrative officer.

b. The Commission is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Executive Order.

c. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Executive Order.

2. A. The Commission shall prepare a comprehensive management plan for the approximately 1,000,000-acre area generally depicted on the map entitled “Pinelands National Reserve Boundary Map” numbered NPS/80,011A and dated September, 1978, as supplemented by the Pinelands Review Committee, January 11, 1979, the boundaries of which are attached hereto and made a part hereof. The plan shall conform to the requirements of the federal act, and shall include but not be limited to;

a. A resource assessment which:

(1) determines the amount and type of human development and activity which the ecosystem can sustain while still maintaining the overall ecological values described in this section with special reference to (i) ground and surface water supply and quality; (ii) natural hazards, including fire; (iii) endangered, unique, and unusual plants and animals and biotic communities; (iv) ecological factors relating to the protection and enhancement of blueberry, cranberry and other agricultural production and activity; (v) air quality; and (vi) other appropriate considerations affecting the ecological integrity of the area; and

(2) includes an assessment of scenic, aesthetic, cultural, open space, and outdoor recreation resources of the area together with
a determination of overall policies required to maintain and enhance these resources.

b. A map showing the detailed boundary of the Pinelands National Reserve as supplemented by the Pinelands Review Committee on January 11, 1979 ("Pinelands National Reserve, as supplemented"), such map to delineate:

(1) major areas within the boundary which are of critical ecological importance;

(2) major areas and resources adjacent to the boundary that have significance to the ecological integrity of the Pinelands National Reserve, as supplemented; and

(3) areas of scenic, open space, cultural, and recreational significance.

c. A land use capability map and a comprehensive statement of policies for land use management of the area which:

(1) consider and detail the application of a variety of land and water protection and management techniques, including but not limited to, zoning and regulation derived from State and local police powers, development and use standards, and permit systems, acquisition of conservation easements and other interests in land, public access agreements with private landowners, purchase of land for resale or lease-back, fee acquisition of public recreation sites and ecologically sensitive areas and any other method of land and water protection and management which will help meet the goals and carry out the policies of the management plan;

(2) include a policy for the use of State and local police power responsibilities to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes of this section; and

(3) recognize existing economic activities within the area and provide for the protection and enhancement of such activities as farming, forestry, proprietary recreational facilities, and those indigenous industries and commercial and residential developments which are consistent with the findings and purposes of this section.

d. A coordination and consistency component which details the ways in which local, state, and federal programs and policies may best be coordinated to promote the goals and policies of the management plan, and which details how land, water, and structures managed by governmental or nongovernmental entities in the
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public interest within the area may be integrated into the management plan.

e. A public use component including, among other items, a detailed program to educate the public concerning appropriate uses of the area.

f. A financial component, together with a cash flow timetable which:

(1) details the cost of implementing the management plan, including, but not limited to, payments in lieu-of-taxes, general administrative costs, and any anticipated extraordinary or continuing costs; and

(2) details the sources of revenue for covering such costs, including, but not limited to, grants, donations, and loans from local, state, and federal departments and agencies, and from the private sector.

g. A program to provide for the maximum feasible local government and public participation in the management of the Pinelands National Reserve, as supplemented.

h. A program for State and local governmental implementation of the comprehensive management plan in a manner that will insure the continued, uniform, consistent protection of this area in accord with the purposes of this section; and

i. In conjunction with existing state programs and planning processes, a plan to implement the provisions of the federal Clean Water Act and the federal Safe Drinking Water Act which pertain to the surface and ground water of the Pinelands National Reserve, as supplemented.

B. To the extent there exists any overlap between the geographic extent of the Pinelands National Reserve, as supplemented, and the geographic extent of the coastal area delineated in the Coastal Area Facility Review Act (CAFRA) (N.J.S. 13:19-1 et seq.) at N.J.S. 13:19-4, the Commission and the Commissioner of Environmental Protection shall make consistent their respective plans for such overlapping area.

C. The Commission, as a basis for the comprehensive management plan, shall review existing information and studies with due regard and consideration being given to the report and recommendations of the Pinelands Review Committee.

3. During the development of the management plan, the Commission shall:
(1) consult with appropriate officials of any local government or state or federal agency which has jurisdiction over lands and waters within the areas;

(2) consult with the officials of any local government which has jurisdiction over lands and waters within areas delineated in accordance with subsection 2A.b.(2);

(3) consult with interested professional, scientific, and citizen organizations;

(4) consult with a citizens advisory committee which may be established by the Governor; and

(5) conduct public hearings at places within the area, and at such other places as may be appropriate, for the purpose of providing interested persons with an opportunity to express their views with respect to matters covered by the management plan.

4. Until the enactment of State legislation which is consistent with this Executive Order, or the approval by the Secretary of Interior of the comprehensive management plan for the Pinelands as set forth in the federal act, or eighteen months from the date of this Executive Order, whichever is earlier, State approvals related to development and construction in the Pinelands shall be processed in the following manner:

(a) No State department or agency shall take final action on any application for financial assistance or for a grant, permit, certificate, license or other approval, now pending or hereafter submitted, for any development or construction within that area designated the Preservation Area by the Pinelands Review Committee on January 11, 1979 ("Preservation Area"), the boundaries of which are attached hereto and made a part hereof, generally known as the "Heart of the Pinelands," unless the applicant demonstrates to the Commission that: (1) there exists a compelling public need for the development or construction, or (2) the denial of an approval would result in extraordinary hardship and the Commission by a two-thirds vote of its total membership so certifies to the issuing department or agency.

(b) No State department or agency shall take final action on any application for financial assistance or for a grant, permit, certificate, license or other approval, now pending or hereafter submitted, for any development or construction within that area designated the Pinelands National Reserve, as supplemented, but excluding lands within the Preservation Area, unless the applicant demon-
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strates to the Commission that: (1) there exists a compelling public need for the development or construction, or (2) the denial of an approval would result in extraordinary hardship or (3) the development or construction for which an approval is requested is consistent with the intent, goals and objectives of this Executive Order and with those of the federal act, and the Commission by a two-thirds vote of its total membership so certifies to the issuing department or agency.

(c) In no case shall the Commission certify an application where the development or construction for which a certification is requested could result in substantial impairment of the natural resources of the Pinelands.

(d) Until the Commission notifies a State department or agency that it has in place personnel and procedures to process certifications, the State department or agency in coordination with all other relevant departments and agencies shall process certifications in place of the Commission in accordance with the provisions of this section.

(e) In that portion of the Pinelands National Reserve, as supplemented, but excluding lands within the Preservation Area, which overlaps the coastal area as delineated in CAFRA, development and construction approvals shall be processed in accordance with the procedures, rules and regulations of CAFRA giving due consideration to the intent, goals and objectives of this Executive Order and those of the federal act. However, in that portion of the Preservation Area which overlaps the coastal area, development and construction approvals shall be processed in accordance with the certification process set forth in this section.

(f) The Commission shall develop criteria and procedures for, and may delegate to any State department or agency, the processing of certifications. The Executive Director is authorized to review and act on certifications on behalf of the Commission; provided, however, that the Commission shall take final action on appeals from actions by the Executive Director.

5. All municipalities and counties within the Pinelands National Reserve, as supplemented, are requested and encouraged to make all their actions consistent with the intent, goals and objectives of this Executive Order and with those of the federal act.
6. Executive Order 56 is repealed, effective March 10, 1979.

Given, under my hand and seal this 8th day of
[seal] February, in the year of Our Lord, one thousand nine
hundred and seventy-nine, and of the Independence of
the United States, the two hundredth and third.

/s/ BRENDA N BYRNE,
Governor.

Attest:
/s/ H A RO LD L. HOD ES,
Deputy Chief of Staff, Acting Secretary.

STATE OF NEW J ERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 72

WHEREAS, A basic tenet of democracy is the participation of its citizens in government; and

WHEREAS, There exists a disturbing trend of declining election turnout; both in New Jersey and throughout the nation; and

WHEREAS, This is demonstrated in the last statewide general election where only 39.3% of eligible citizens actually voted; and

WHEREAS, Over 1.6 million citizens do not have the right of franchise because of their failure to register to vote; and

WHEREAS, The State continues to have substantial interest in encouraging increased voter participation by its citizens;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Voter Registration Advisory Council which shall advise the Governor and recommend programs and other efforts the State shall engage in to increase State voter registration and participation.

a. The Council shall consist of 25 members appointed by the Governor for terms of 3 years, except that of the first 25 members,