



NEW JERSEY Wetlands Mitigation Council

New Jersey Department of Environmental Protection

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LAND DONATION PROPOSAL CHECKLIST FOR COMPLETENESS

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Applicants may donate land as mitigation for a wetland disturbance if the Department determines that land donation is the appropriate mitigation alternative and the Wetland Mitigation Council determines that the donated land has potential to be a valuable component of the freshwater wetlands ecosystem. These are the application requirements for a land donation. Please read each section and place a check in the box adjacent to each requirement once completed and provide three copies of the following information along with one electronic copy on a CD.

- 1. A copy of the permit, letter, or other correspondence from the Department of Environmental Protection authorizing mitigation through land donation.
- 2. Information demonstrating that the proposed mitigation alternative complies with N.J.A.C. 7:7A-11.9 or 11.10 as applicable, including information on the feasibility or practicability of other mitigation alternative.
- 3. Provide an introduction that contains the following information:
 - i. U.S.G.S. quad showing the location of the regulated activity and the location of the proposed land donation;
 - ii. Tax map and county map showing the location of the land donation, including lot and block;
 - iii. Description of the site including acreage, existing or proposed structures, and any easements, right-of-ways or deed restrictions (other than the Department required conservation restriction that will be imposed as part of the mitigation) on the parcel;
 - iv. The names and addresses of all current and proposed owner(s) of the proposed land donation as well as all consultants or any other persons providing assistance on the land donation proposal;

- v. At least six photographs with a location map showing where the photographs were taken of both the permitted wetlands disturbance for which mitigation is required and the proposed land donation site;
4. Written consent from the owner of proposed land donation allowing Department representatives to enter and inspect the property at reasonable times.
5. Provide the following information regarding the resource value of the mitigation site:
- i. A demonstration that the land proposed for donation has unique aspects or characteristics that contribute to its ecological value, such as the presence of type of wetland that is unusual or rare within the State or region (i.e. bog, fen, etc).
 - ii. Provide flora and fauna inventories of the site and note the presence of endangered and/or threatened species;
 - iii. Describe any current or potential public access or recreational use of the donation site as well as proximity to public land containing wetland preserves, such as Federal wildlife refuges, State wildlife management areas, State parks or forest, State, County, or local wetland preservation areas, or wetland preservation areas held by non-profit conservation organizations;
 - iv. Documentation that the proposed land donation site is not affected by hazardous or solid waste disposal sites or air, water or soil pollution.
 - v. Site plan with topography showing all features on the property such as wetlands, streams, open water areas, structures, easements, right-of-ways, etc.
6. Describe which of the following criteria are met by the parcel (at least one, and preferably several, must be met for the Department and the Council to approve a land donation):
- i. Contains exceptional resource value wetlands;
 - ii. Contains critical habitat for flora and fauna;
 - iii. Contains wetlands or waters draining to FW1 or Category One waters as defined at N.J.A.C 7:9B, or into public drinking water sources.
 - iv. Is adjacent to public land containing wetland preserves, such as Federal wildlife refuges, State wildlife management areas, State parks or forests, State, County or local wetland preservation areas, or wetland preservation areas held by non-profit conservation organizations;
 - v. Has unique aspects or characteristics that contribute to ecological value.
7. Provide a comparison between the size and functional assessment of the wetlands disturbed and land donation which demonstrates the amount of donation is sufficient to ensure

that the ecological value resulting from the preservation of the uplands will fully compensate for the loss of ecological value caused by the disturbance. At a minimum, the land donation shall be at least five acres in size, or immediately adjacent to a protected natural area, such as a State wildlife management area. Generally, to be of equal ecological value, the ratio of land to be donated to wetlands permitted to be disturbed is 27:1, however, the Department may require a different ratio based on the actual ecological functions and values of the disturbed wetlands and those of the land to be donated.

8. Documentation that the land proposed to be donated is not required to be protected from future development as a condition of receiving an approval from an agency other than NJDEP Division of Land Use Regulation. Submit a copy of any local approvals for the site. If the property is required by another agency to be protected, the applicant will be required to also create, enhance and/or restore freshwater wetlands on that same parcel as a part of the donation. The applicant must submit for review and approval a wetland enhancement, creation, and/or restoration proposal, which complies with the mitigation proposal checklist for creation, restoration and enhancement mitigation proposals.

9. A draft conservation restriction that meets the requirements of N.J.A.C. 7:7A-12. The conservation restriction shall conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: http://www.nj.gov/dep/landuse/download/mit_015.pdf . Include a metes and bounds description and visual representation of the proposed mitigation site. The metes and bounds description shall include the transition area required under N.J.A.C. 7:7A-11.12.

10. A copy of a letter or agreement from a charitable conservancy or governmental agency willing to accept the land in accordance with N.J.A.C. 7:7A-11.15(e), including the amount of a maintenance fund agreed to by the mitigator and the agency or conservancy.

11. Documentation that the mitigation site was public noticed in accordance with N.J.A.C. 7:7A-17.

Proposal packages shall be submitted to:
New Jersey Department of Environmental Protection
Wetland Mitigation Council
Mail Code 401-07B, P.O. Box 420
Trenton, New Jersey 08625-0420
Attn: Wetland Mitigation Council Staff