

REPORT ON THE PROPOSED EXCHANGE OF
VACANT PRESERVED PROPERTY
BETWEEN
THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
AND
THE COUNTY OF OCEAN
IN THE
TOWNSHIPS OF BARNEGAT AND STAFFORD,
COUNTY OF OCEAN

Block 45, Lot 1; Block 51, Lot 4.01; Block 52 Lot 6.05
Barnegat Township
(currently owned by the NJDEP)

Block 50, Lots 5 and 9; Block 51, Lot 10 Barnegat Township;
Block 2, Lot 6 Stafford Township
(currently owned by Ocean County)

Prepared by: Ocean County Planning Department
NJDEP Green Acres Program
March 2018

STATUTORY REFERENCES

For the State Lands:

Under L. 1993, c. 38, codified at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58, no lands acquired or developed by the State with Green Acres funds, or developed by the State in any other manner and administered by the New Jersey Department of Environmental Protection (“NJDEP”), may be conveyed unless the NJDEP first prepares a report on the proposed conveyance in accordance with N.J.S.A. 13:1D-52a(1), transmits the report to the individuals listed at N.J.S.A. 13:1D-52a(2), makes the report available to the public in accordance with N.J.S.A. 13:1D-52a(3) and conducts one or more public hearings as required by N.J.S.A. 13:1D-52a(4). Public notice requirements for the hearings are specified at N.J.S.A. 13:1D-53 and -54. A summary and/or transcript of the public hearing(s) is provided to the NJDEP Commissioner, the State House Commission and the public under N.J.S.A. 13:1D-55. The methodology for valuing lands to be conveyed and the terms of such conveyances are governed by N.J.S.A. 13:1D-56.

Section 13 of L. 1993, c. 38 also amended N.J.S.A. 52:31-1.1 [Sale, conveyance of State's interest; terms; conditions; public hearing; proceeds] to require the State House Commission to conduct a public hearing at least 90 days in advance of determining the terms and conditions of any sale or conveyance for which the NJDEP is required to follow the public notice and hearing process at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. In addition to any other applicable requirements of law, rule, or regulation concerning notice for its public hearings, the State House Commission is required to provide notice of the public hearing at least 30 days in advance of the date of the hearing in the same manner and according to the same procedures prescribed for the NJDEP pursuant to N.J.S.A. 13:1D-53 and -54. At its November 13, 2017 meeting, the State House Commission adopted a procedural resolution for the implementation of N.J.S.A. 52:31-1.1. The resolution provides that the State House Commission Secretary will represent the Commission at the second required NJDEP hearing, that the second hearing will be a joint NJDEP/State House Commission hearing, and that the joint NJDEP/State House Commission hearing is intended to satisfy the requirements of N.J.S.A. 52:31-1.1.¹

Once these procedural requirements have been met, the conveyance proposed in this report requires the approval of the NJDEP Commissioner and the State House Commission. N.J.S.A. 13:1D-55; N.J.S.A. 13:8A-48; N.J.S.A. 13:8C-1 et seq.

¹ A copy of the resolution adopted by the Commission may be found at: <http://www.state.nj.us/treasury/statehouse-commission/pdf/9-20-2017update.pdf>

For the County Lands:

Under N.J.S.A 40A:12-16, the governing body of any county by resolution may exchange any lands owned by the county for other lands or rights or interests therein desired for public use. The public notice and hearing requirements for such exchanges are specified at N.J.S.A. 40A:12-13.5.

Under N.J.S.A. 40A:12-15.4, lands acquired with county open space trust funds may be conveyed or transferred, subject to the requirements therein, including the requirement to conduct one public hearing.

The proposed conveyance of County land is also subject to the procedural requirements for transfers of Green Acres encumbered parkland at N.J.S.A. 13:8C-34 and N.J.S.A. 7:36-25.5.

RATIONALE FOR CONVEYANCE

The County of Ocean (“County”) and the NJDEP propose to exchange approximately 269 acres of land owned by the County for approximately 192 acres of land owned by the NJDEP. As detailed below, the County’s general objective for the proposed land exchange is to expand its holdings around the historic Cedar Bridge Tavern Site in Barnegat Township. The NJDEP’s general objectives are to fill gaps in State ownership in Barnegat and Stafford Townships and create a larger contiguous parcel for administration as part of the State park system.

The specific parcels proposed to be exchanged are as follows:

Proposed Land Exchange Between the NJDEP and Ocean County							
Municipality	Block	Lot	Street Address	Current Owner	Proposed Owner	Acres to State	Acres to County
Barnegat	50	5	50 Route 539	County	State	100.82	
Barnegat	50	9	109A Yellow Dam Road	County	State	5.14	
Barnegat	51	10	50 Route 539	County	State	147.91	
Stafford	2	6	Cedar Bridge Road at Route 539	County	State	15.62	
Total						269.49	

Proposed Land Exchange Between the NJDEP and Ocean County							
Municipality	Block	Lot	Street Address	Current Owner	Proposed Owner	Acres to State	Acres to County
Barnegat	45	1	177 Old Halfway Road	State	County		2.98
Barnegat	51	4.01	50 Warren Grove Road	State	County		119.38
Barnegat	52	6.05	221 Old Cedar Bridge- Barnegat Road	State	County		70.50
						Total	192.86

A general location map of the properties proposed to be exchanged is attached as Figure 1. An aerial map of the properties proposed to be exchanged is attached as Figure 2.

On both sides of the transaction, the lands proposed to be exchanged will remain as preserved open space after the exchange is completed. Any lands acquired by the NJDEP from the County will be preserved by statute (as replacement for lands originally purchased with Green Acres funds), and future conveyance of these lands will be governed by the Green Acres bond acts and the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. If the proposed land exchange is completed, the County has agreed to accept any lands acquired from the NJDEP with a deed clause limiting their future use to “recreation and conservation” purposes (as that term is defined in the Green Acres statutes and rules, including, but not limited to, *N.J.A.C. 7:36-2.1.*) Once acquired, these lands would then be listed on any future Recreation and Open Space Inventories (ROSIs) prepared by the County as part of future Green Acres funding applications.

In addition, as required by N.J.S.A. 13:1D-56, the deed for the conveyance of the NJDEP Tract to the County will include statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Upon successful completion of the public hearing process, the proposed conveyance will require the approval of the NJDEP Commissioner and the State House Commission under *N.J.S.A. 13:8A-48* and *N.J.S.A. 13:8C-31*. The NJDEP believes that the earliest it could obtain these approvals is September 2018.

Description of the NJDEP Tract

The NJDEP property proposed for conveyance to the County consists of 192.86+/- acres of vacant land located in Barnegat Township off both sides of Cedar Bridge Road (hereafter, the “NJDEP Tract.”). This tract is comprised of three individual lots which form the north easterly limits of the Bass River State Forest. The lots are currently designated for tax purposes as Block 45, Lot 1, Block 51, Lot 4.01 and Block 52, Lot 6.05.

All three lots have paved or gravel road frontage, as follows:

Block 45, Lot 1	Old Halfway Road and Yellow Dam Road (727 feet)
Block 51, Lot 4.01	Old Cedar Bridge-Barnegat Road (2,280 feet)
Block 52, Lot 6.05	Old Cedar Bridge-Barnegat Road (3,100 feet)

The NJDEP Tract was acquired from the New Jersey Conservation Foundation through the Green Acres program in April 1980 for \$84,000 using 1974 Green Acres Bond funds and federal Pinelands preservation funds provided under Section 502 of the “National Parks and Recreation Act of 1978” (Pub. L. 95-625). Once acquired, the NJDEP Tract was assigned to the NJDEP’s Division of Parks and Forestry for management as part of Bass River State Forest. There are no structures or developed recreational facilities on any portion of the NJDEP Tract.

Within the NJDEP Tract, approximately 156 acres of land are located within the Forest Area of the Pinelands (Block 51, Lot 4.01, and Block 52, Lot 6.05) and the remaining 36 acres are located within the Preservation Area of the Pinelands (Block 45, Lot 1) (as such areas are designated under the Pinelands Comprehensive Management Plan.) The parcels are zoned PA (Preservation Area) and PF (Preserved Forest Pinelands) by Barnegat Township. The PA and PF zones are intended to preserve and protect the valuable resources of the Pinelands.²

The NJDEP Tract is made up of gently rolling contours, low-lying wetlands and stream corridors (associated with the Oswego River and Yellow Dam Branch) and some uplands. GIS aerial imagery of the NJDEP Tract illustrates that a Forest Area Wetlands buffer impacts a considerable ratio of the upland acreage. [Figure 4]

Block 45, Lot 1 borders an unnamed artificial lake. The parcel is approximately 2.98 acres. As indicated on Figure 4, this parcel is entirely uplands. The parcel is a mixed forest, more than 50% of which is deciduous.

As indicated on Figure 4, both the Oswego River and Yellow Dam Branch, which have surface water classifications of PL (the general surface water classification applied to Pinelands waters), run through the remainder of the NJDEP Tract (Block 51, Lot 4.01 and Block 52, Lot 6.05.) Both parcels contain wetlands complexes associated with the stream corridors.

Block 52, Lot 6.05 is 70.50 acres and contains an unnamed artificial lake. The parcel is a mixed forest, more than 50% of which is coniferous. This lot is heavily populated with pitch pine forest, deciduous wooded wetlands and Atlantic White Cedar stands. The front of the parcel has 1.59 acres of coniferous wooded wetlands and 1.25 acres of mixed wooded wetlands. The northern part

² Further information on the zoning designations may be found at:
<http://clerkshq.com/default.ashx?clientsite=Barnegat-nj>

of the parcel has small areas, less than one acre, of mixed scrub and shrub wetlands (mostly coniferous). Including the lake, this parcel is approximately 25-30% wetlands and another 25-30% Pinelands buffers.

Block 51, Lot 4.01 is 119.38 acres of mixed forest, more than 50% of which is deciduous. As indicated on Figure 4, the parcel is significantly wet, consisting of about 50-55% wetlands. The 300-foot regulatory buffers associated with those wetlands cover an additional 30% or more of the property. The wetlands on this parcel consist of the following: (1) a large 420-acre wetlands complex on the western edge of the property, consisting of approximately 24 acres of Atlantic White cedar wetlands, 10 acres of deciduous scrub/shrub wetlands and 8 acres of deciduous wooded wetlands; (2) approximately 10 acres of mixed wooded wetlands along the frontage of Old Cedar Bridge-Barnegat Road and (3) approximately 3 acres of mixed wooded wetlands at the back (southern edge) of this parcel. The three acres of mixed wooded wetland on the southern edge of the lot are part of a larger 28-acre wetlands complex that extends onto a portion of the adjacent County Tract (Block 51, Lot 10).

The three lots in the NJDEP Tract surround a five-acre County-owned property containing the historic Cedar Bridge Tavern (Block 50, Lot 9.) The circa 1816 Cedar Bridge Tavern of Barnegat, New Jersey is on both the New Jersey and National (8-7-2014) Registers of Historic Places. The County purchased the tavern in December 2007. Under contract, Historic Buildings Architects (HBA) of Trenton completed the successful nomination to the Registers and a comprehensive preservation plan for Cedar Bridge Tavern (dated January 14, 2013.) Under a separate contract, HBA is currently completing construction documents and permitting for the renovation of the structure.

Description of the County Tract

The County property proposed for conveyance to the NJDEP consists of 269.49+/- acres located in Barnegat and Stafford Townships (hereafter, the “County Tract.”) This tract is comprised of four individual lots: Block 50, Lots 5 and 9 in Barnegat Township; Block 51, Lot 10 in Barnegat Township and Block 2, Lot 6 in Stafford Township. The County Tract is known locally as the Wading River East Branch property.

Three of the four lots have paved or gravel road frontage, as follows:

Block 50, Lot 5	Route 539 (3,317 feet)
Block 50, Lot 9	No Road Frontage, off Yellow Dam Road
Block 51, Lot 10	Route 539 (3,643 feet)
	Cedar Bridge-Warren Grove Road (1,531 feet)
Block 2, Lot 6	Cedar Bridge-Warren Grove Road (747 feet)
	County Road 539 (335 feet)

The County Tract was purchased from Railroad Road, LLC, a private owner, in December 2014.³ The acquisition was made by the County through the Ocean County Natural Lands Trust Fund, a dedicated open space tax program. The purchase price for the County Tract was \$1,250,000 and

³ Railroad Road, LLC is a corporate affiliate of Scarborough Properties, Railroad, LLC and Route 539, LLC.

the entire purchase was funded solely through the Natural Lands Trust Fund. There are no structures or developed recreational facilities on any portion of the County Tract.

Prior to acquiring the County Tract in 2014, the County forwarded the owner's application and interest in sale of the property for review by the NJDEP. At that time, the NJDEP informed the County that it was interested in acquiring the property, but did not have funding available for the purchase. Based on the NJDEP's expression of interest, the County pursued acquisition with the understanding that this property could be transferred to the NJDEP at a future date. This intention was memorialized in the authorization for acquisition by the Ocean County Board of Chosen Freeholders on June 14, 2014. [Appendix 2.]

Within the County Tract, approximately 164 acres of land are located within the Forest Area of the Pinelands (Block 51, Lot 10, and Block 2, Lot 6) and the remaining 105 acres are located within the Preservation Area of the Pinelands (Block 50, Lots 5 and 9) (as such areas are designated under the Pinelands Comprehensive Management Plan.) The parcels are zoned PA (Preservation Area) and PF (Preserved Forest Pinelands) by Barnegat Township and Stafford Township. The PA and PF zones are intended to preserve and protect the valuable resources of the Pinelands.⁴

The County Tract is made up of gently rolling contours, low-lying wetlands and stream corridors (associated with the Oswego River and Yellow Dam Branch) and some uplands.

As indicated on Figure 4, both the Oswego River and Yellow Dam Branch, which have surface water classifications of PL (the general surface water classification applied to Pinelands waters), run through portions of County Tract (Block 50, Lot 5 and Block 51, Lot 10.) Both parcels contain wetlands complexes associated with the stream corridors.

Block 50, Lot 5 in Barnegat Township is approximately 100.82 acres. As indicated on Figure 4, this parcel is approximately 80% wetlands, and another 10% pineland buffers. The wetland portion of this parcel is made up of mostly Atlantic White Cedar wetlands, with some mixed wooded wetlands. The upland portion of this parcel is coniferous forest. This parcel is surrounded on three sides by NJDEP property (Bass River State Forest). The northeast side of Block 50, Lot 5 is adjacent to Block 50, Lots 2 and 3, a privately-owned property being actively used by Eastern Concrete Materials, Inc. for sand mining. Although the tax map boundary between Block 50, Lot 5 and Block 50, Lots 2 and 3 appears to show the quarry operation encroaching on Block 50, Lot 5, the survey prepared for the County as part of the proposed land exchange shows that there is no encroachment. [Figure 5]

Block 50, Lot 9 in Barnegat Township is 5.14 acres. The parcel is a made up of coniferous forest, coniferous wooded wetlands, and deciduous wooded wetlands. As indicated on Figure 4, this parcel is almost 100% wetlands. According to mapping on file with the NJDEP, this parcel is part of a larger 257-acre tract of potential vernal habitat area, with possibly 10 current vernal pool locations.⁵ This parcel is an isolated inholding in Bass River State Forest and is completely surrounded by property owned by the NJDEP. This parcel does not have frontage on a paved or gravel road.

⁴ Further information on the zoning designations may be found at:
<http://clerkshq.com/default.ashx?clientsite=Barnegat-nj>

⁵ <http://www.nj.gov/dep/gis/geoweb splash.htm>

Block 51, Lot 10 in Barnegat Township is approximately 147.91 acres. As indicated on Figure 4, the parcel is 15% wetlands and another 10 to 20% Pineland buffers. The wetlands are mostly made up of Atlantic White Cedar wetlands. The upland portion of this parcel consists of coniferous forest to the north and to the west, and deciduous forest to the south and to the east. This parcel is located to the southwest of the NJDEP Tract. Due to the presence of an area of questionable title between the County Tract and the NJDEP Tract, Block 51, Lot 10 is adjacent to, but not touching, a portion of the NJDEP Tract (Block 51, Lot 4.01), other NJDEP property (Block 51, Lot 3 in Barnegat Township) to the northern and the northeastern edges of the parcel. To the southwest, Block 51, Lot 10 is bordered by several privately-owned lots and another NJDEP parcel (Block 3, Lot 11 in Stafford Township.) To the west and the south, Block 51, Lot 10 borders other lots within the County Tract.

Block 2, Lot 6 in Stafford Township is approximately 15.62 acres of mixed forest, more than 50% of which is deciduous. As indicated on Figure 4, the parcel is less than 5% wetlands and another 10% wetlands buffers. The wetlands on this parcel consist of less than one acre of mixed coniferous wooded wetlands. This parcel is contiguous to Block 51, Lot 10 in Barnegat Township and is surrounded on three sides by either the remainder of the County Tract or land owned by the NJDEP.

A detailed description of the County Tract may be found in the appraisals included in this report as Appendices 4 and 5.

ADVANTAGES AND DISADVANTAGES

For the NJDEP:

In exchange for the conveyance of the NJDEP Tract, which is not a contiguous part of Bass River State Forest, the NJDEP will acquire 269.49 acres currently owned by Ocean County. The proposed land exchange would fill gaps in State ownership and create a larger, contiguous parcel for management purposes, as well as consolidate passive recreational activities in that area of Bass River State Forest. The NJDEP Tract will remain permanently preserved for recreation and conservation purposes. The acreage being acquired by the NJDEP, adjacent to Bass River State Forest, will be more manageable for the State Division of Parks and Forestry than the area proposed to be transferred to the County.

In the past, the County has reported instances of illegal camping and illegal dumping in this area to the NJDEP. With a permanent presence at the Cedar Bridge Tavern site, the County will be able to more easily and regularly patrol this area, allowing the NJDEP to focus its limited enforcement resources on other portions of Bass River State Forest.

For the County:

Transfer of the NJDEP Tract to the County will enable the County to re-assemble most of the original Cedar Bridge Tavern Site. The larger site will allow the Ocean County Parks Department to more fully educate, interpret, and the history of the Cedar Bridge Tavern.

The Cedar Bridge Tavern is a historic treasure that offers a unique window into the European experience in the New Jersey Pinelands. From about 1740, a saw mill existed on the nearby branch of the Wading River and the town grew around the intersection of a major east/west thoroughfare and a southern route to reach Egg Harbor and Tuckerton. Eventually, two taverns in this hamlet served the travelers, hunters and rural region. Historic maps from about 1750 show Pettit's or Cedar Bridge as a named place on state and wider regional maps. A rich collection of traveler and academic references speak to the importance of this long-overlooked community.

On December 27, 1782, forces for the new republic led by Captains Richard Shreve and Edward Thomas were informed that notorious Loyalist John Bacon was in the vicinity of the tavern. They engaged Bacon and his Loyalist bandits (known now as "Refugees") at Cedar Bridge. A brief exchange of gunfire took place, and Bacon and his men were able to escape. One Patriot was killed, and four were wounded. Four Loyalists were also wounded, including Bacon. A ceremony commemorating this last documented land engagement of the American Revolution is held on the site each year on the Sunday closest to December 27.

For the past several years the County has received a special use permit with NJDEP for use of portions of Bass River State Forest, the NJDEP Tract, adjacent to the Tavern. This permit has allowed for the use of 0.25-acre area for temporary parking, and has also authorized archaeological research and construction of interpretive walking trails. Transfer of the NJDEP Tract will allow the County to better serve the public and the stewardship of these properties. The County also plans to make the Cedar Bridge Tavern site a trail head for a regional trail network, while showcasing the history of the Pine Barrens.

With a permanent presence at the Cedar Bridge Tavern site, the County will be able to more easily and regularly patrol the area that has been previously used as an illegal dump site and an illegal camp ground. There are no known disadvantages to this transfer from the County's perspective.

ENVIRONMENTAL ASSESSMENT

Assesment of Environmental Impact and Impact on Plants and Endangered and Non-Game Species

Due to their close proximity and shared boundary between the two Tracts, the environmental assessment contained herein pertains to both sides of this proposed transaction.

The proposed land exchange has undergone an internal review by the affected programs within the Department's Natural and Historic Resource Group, including the Nongame and Endangered Species Program, the State Historic Preservation Office ("SHPO"), the State Forest Service, the State Forest Fire Service and the Office of Natural Lands Management. This review did not raise any objections to the proposal.

The NJDEP is not aware of any specific reported sightings of threatened or endangered plant or animal species on the properties proposed for conveyance by the NJDEP to the County. However, the NJDEP's GeoWeb mapping indicates that there is a potential for multiple threatened and endangered species to exist on these parcels, specifically flora and fauna. [Figure 3] Much of the land lies proximate to Natural Heritage Priority Sites and Historic Sites, such as the West Plains Fireshed Macrosite, the Little Plains, and the East Plains Fireshed Macrosite. These parcels may also contain globally imperiled rare plants and animals, including Barred Owl, Cooper's Hawk, Timber Rattle Snake, Pine Barrens Treefrog, Northern Pine Snake, Brown Thrasher, Fowler's Toad, and Carpenter's Frog.

According to the NJDEP's GeoWeb mapping, the County Tract may contain several threatened and endangered species, including timber rattlesnake, northern pine snake, Pine Barrens tree frog, and barred owl.

The proposed land exchange will cause a net increase in acreage of Atlantic white-cedar wetlands under State ownership by the NJDEP conveying approximately 16 acres of white-cedar wetlands and accepting ownership of 82 acres of white-cedar wetlands. The areas gained by the NJDEP have had active cedar management ongoing for at least 80 years. The younger portions of the cedar wetlands on the County Tract appear to be in good condition. The older portions require some attention to persist as cedar due to recent hardwood encroachment.

The proposed land exchange would also result in a net increase in acres of non-cedar forest owned by the State. The State will give up 110 acres of non-cedar forest, while acquiring 182 acres. Overall, this action would be beneficial in enhancing the NJDEP's holdings of the Atlantic white-cedar resource, and would provide continuity with existing Atlantic white-cedar forest owned by the State.

As part of the NJDEP's internal review of the proposed land exchange, the SHPO determined that the continued use of the State lands to be conveyed to Ocean County for recreation and conservation purposes will not adversely affect any historic or archeological resources. However, the SHPO is opposed to any kind of future development altering the viewshed of the adjacent Cedar Bridge Tavern, which is listed on the National Register of Historic Places. Since this structure is already owned by the County and is listed on the New Jersey Register of Historic

Places, then any future alterations to it are already subject to New Jersey Register review by the SHPO under the application process at <http://www.nj.gov/dep/hpo/2protection/njrreview.htm>.

The SHPO has been involved with Ocean County's restoration of the Cedar Bridge Tavern and understands that the proposed land exchange will also allow the County to address Pinelands environmental issues with their restoration work. Overall, the SHPO favors the proposed land exchange because the parcels that would be conveyed to the State are archaeologically sensitive.

Assessment of Recreational Impact

The NJDEP does not anticipate that the proposed land exchange will have a negative recreational impact on either side of this transaction. As noted above, there are no recreational facilities on either the NJDEP Tract or the County Tract. All the properties involved in the proposed land exchange will remain permanently preserved for recreation and conservation purposes, will continue to be managed as parkland, and will remain available for public access and use.

Transfer of the NJDEP Tract to the County is expected to improve the recreational use of this area, both through interpretive programming to be offered at the re-assembled Cedar Bridge Tavern site and through the County's plans to improve the trail network in this area.

ECONOMIC ASSESSMENT

Under N.J.S.A. 13:1D-56a, any NJDEP property of more than one acre that is proposed to be conveyed in fee (for any purpose), must be valued as follows:

- a. For the purpose of determining the amount of consideration to be paid or transferred to the State in exchange for conveying lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, the value of such lands ***shall be based upon their intended use upon conveyance or upon their highest and best use, whichever shall provide to the State the greatest value in return.***
[emphasis supplied]

Ocean County commissioned two appraisals for each tract, using appraisers from the NJDEP's Green Acres Program's list of approved appraisers and a scope of appraisal reviewed and approved by the NJDEP. The appraisals, which were completed in August 2017, are attached as Appendices 4 and 5. The appraisals were then reviewed by the NJDEP's Green Acres Program. Based on that review, the NJDEP's review appraisers certified the market value for each property. [Appendix 3.]

Although the County has agreed to accept title to the NJDEP Tract with a deed clause limiting future use of the property to "recreation and conservation purposes," both appraisers valued both the NJDEP Tract and the County Tract as unrestricted properties.

Valuation of NJDEP Tract

The NJDEP Tract was purchased in April 1980 from the New Jersey Conservation Foundation for \$84,000. The NJDEP Tract has a certified market value of \$972,000 (or \$5062 per acre) as of August 2017. The basis for this determination is set forth in the Appraisal Review Memo at Appendix 3.

Valuation of County Tract

The County Tract was purchased in December 2014 from Railroad LLC for \$1,250,000. The County Tract has a certified market value of \$1,272,000 (or \$4729 per acre) as of August 2017. The basis for this determination is set forth in the Appraisal Review Memo at Appendix 3.

Analysis

The NJDEP review appraiser has reviewed and certified the values above and has determined that the proposed exchange is an equitable one for the State of New Jersey. While the market values associated with the proposed conveyance favor the NJDEP, the overall benefit to the County is substantial and equitable for the citizens of Ocean County.

As discussed above, on both sides of the transaction, the lands proposed to be exchanged will remain as preserved open space after the exchange is completed. Any lands acquired by the NJDEP from the County will be preserved by statute (as replacement for lands originally purchased with Green Acres funds), and future conveyance of these lands will be governed by the Green Acres bond acts and the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. If the proposed land exchange is completed, the County has agreed to accept any lands acquired from the NJDEP with a deed clause limiting their future use to “recreation and conservation” purposes (as that term is defined in the Green Acres statutes and rules, including, but not limited to, *N.J.A.C. 7:36-2.1.*) Once acquired, these lands would then be listed on any future Recreation and Open Space Inventories (ROSIs) prepared by the County as part of future Green Acres funding applications.

In addition, under *N.J.S.A. 13:1D-56*, the NJDEP is required to include in the deed for the conveyance of the NJDEP Tract to the County statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Based on the above, the NJDEP and the County believe the proposed land exchange represents an equitable transaction for the public from an economic perspective. Although the overall fair market value of the County Tract is higher than the NJDEP Tract, the per acre values of the properties are comparable. The County has elected to transfer more land to the NJDEP than it is receiving in order to achieve both its objectives for future management of the Cedar Bridge Tavern site and the NJDEP’s management objectives for Bass River State Forest. Since all lands involved in the proposed land exchange will remain preserved and open to all State residents, none of the real estate value involved in this transaction is being transferred for a private benefit.

FIGURES AND APPENDICES

The Figures and Appendices listed below may be accessed at:

<http://www.state.nj.us/dep/greenacres/notices.html>

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| Figure 1 | General Location Map |
| Figure 2 | Aerial Map of Proposed Conveyance and Replacement Land |
| Figure 3 | Landscape Mapping for Proposed Conveyance and Replacement Land |
| Figure 4 | Map of Wetlands and Surface Waters for Proposed Conveyance and Replacement Land |
| Figure 5 | Survey of County Tract |
| | |
| Appendix 1 | Public Hearing Notices (NJDEP and County) |
| Appendix 2 | County Resolution Authorizing the Purchase of the County Tract |
| | |
| Appendix 3 | Analysis of the “Diversion” and “Replacement/Compensation” Appraisal Reports submitted to NJDEP Green Acres, November 2017, prepared by Susanne M. Curran, MAI, AI-GRS, Review Appraiser and Anine Rusecky, Review Appraiser |
| | |
| Appendix 4 | August 2017 Integra Realty Resources Appraisals |
| | |
| Appendix 5 | August 2017 Hall Realty Consultants Appraisals |

PUBLIC HEARINGS

In accordance with N.J.S.A. 13:1D-52a(4), N.J.S.A. 52:31-1.1 and N.J.S.A 40A:12-16, public hearings on the proposed conveyances are scheduled as follows:

A public hearing on the **proposed conveyance of the County Tract** will be held:

May 16, 2018 at 4:00 PM

Stafford Township Historical Society, Old Baptist Church
120 N. Route 9
Manahawkin, NJ 08050
(609) 597-2237

A public hearing on **the proposed conveyance of both the NJDEP Tract and County Tract** will be held:

May 16, 2018 at 7:00 PM

Cloverdale County Park, Education Center
34 Cloverdale Road
Barnegat, NJ 08005
(609) 607-1861

[NOTE: The first May 16, 2018 public hearing will be conducted by the County in accordance with N.J.S.A 40A:12-16, but NJDEP representatives will be present to answer questions about the proposed land exchange. The second May 16, 2018 public hearing will be conducted jointly by the NJDEP and the County in compliance with the requirements of N.J.S.A. 13:1D-52a(4) (as to the NJDEP) and N.J.S.A 40A:12-16 (as to the County.)]

A public hearing on the **proposed conveyance of the County Tract** will be held:

May 30, 2018 at 4:00 PM

Cattus Island County Park
Cooper Environmental Center
1170 Cattus Island Blvd
Toms River, NJ 08753

[NOTE: The May 30, 2018 public hearing will be conducted by the County in accordance with N.J.S.A 40A:12-16, but NJDEP representatives will be present to answer questions about the proposed land exchange.]

A public hearing on the **proposed conveyance of the NJDEP Tract** will be held:

May 31, 2018 at 3:30 PM

New Jersey Department of Environmental Protection
501 East State Street
4th Floor Large Conference Room
Trenton, NJ 08625
(609) 984-0500

[NOTE: The May 31, 2018 public hearing will be conducted jointly by the NJDEP and the State House Commission in compliance with the requirements of N.J.S.A. 13:1D-52a(4) (as to the NJDEP) and N.J.S.A. 52:31-1.1 (as to the State House Commission.) Representatives of the County will be present to answer questions about the proposed land exchange.]

Please refer to the Public Hearing Notices, Appendix 1, for information about submitting written public comments on the proposed conveyances.

CONTACT INFORMATION

For further information, please contact:

For the New Jersey Department of Environmental Protection:

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For the State House Commission:

Robert J. Shaughnessy, Jr., Secretary
New Jersey State House Commission

c/o

State of New Jersey, Department of Treasury
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Judeth Piccinini Yeany, Acting Director, Green Acres Program, NJDEP

Frank Caputo, Mayor, Township of Barnegat

Martin J. Lisella, Township Administrator, Township of Barnegat

Michele A. Rivers, Clerk, Township of Barnegat

John Spodofora, Mayor, Township of Stafford

Alan R. Smith, Council President, Township of Stafford

Linda Martin, Clerk, Township of Stafford

Gerry P. Little, Director, Board of Chosen Freeholders, County of Ocean

Carl W. Block, County Administrator, County of Ocean

Scott M. Colabella, Clerk, County of Ocean

Betty Vasil, Clerk, Board of Freeholders, County of Ocean

Hon. Paul A Sarlo, Chair, Senate Budget and Appropriations Committee

Hon. James Beach, Chair, Senate State Government Committee

Hon. Bob Smith, Chair, Senate Environment Committee

Hon. Bob Andrzejczak, Chair, Assembly Agriculture and Natural Resources Committee

Hon. Nancy J. Pinkin, Chair, Assembly Environment and Solid Waste Committee

Hon. John J. Burzichelli, Chair, Assembly Appropriations Committee

Hon. Vincent Mazzeo, Chair, Assembly State Government Committee

Robert J. Shaughnessy, Jr., Secretary, State House Commission