



State of New Jersey
 Highlands Water Protection and Planning Council
 100 North Road (Route 513)
 Chester, New Jersey 07930-2322
 (908) 879-6737
 (908) 879-4205 (fax)
www.nj.gov/njhighlands



Highlands Open Space Partnership Funding Program

2020 Request for Applications

Full Proposal Due Date: **June 30, 2020**

Contents

- I. Overview 2
 - A. Highlands Open Space Partnership Funding Program..... 2
 - B. Federal Highlands Conservation Act (HCA) Grant Program 2
 - C. Funding Availability and Associated Requirements 2
 - D. Award Process 2
 - E. Application Deadline..... 3
- II. Eligibility..... 3
 - A. Applicants..... 3
 - B. Project Location 3
 - C. Eligible Projects..... 4
 - D. Cost-Share Requirement 4
 - E. Total Request Limitations..... 4
 - F. Ineligible Projects..... 4
- III. Program Priorities 5
 - A. Highlands Open Space Program Priorities 5
 - B. Highlands Conservation Act Requirements..... 5
- IV. Requirements Related to Awarded Projects 5
 - A. Federal Review and Approval Process 5
 - B. Deed Restriction or Easement Language..... 6
 - C. Proof of Final Purchase Price 6
 - D. Summary of a Plan for Long-Term Stewardship..... 6
 - E. Title Search Update..... 6
 - F. Rule Standards Shall Apply..... 6
- Highlands Open Space Partnership Funding Program Application..... 8

I. Overview

A. Highlands Open Space Partnership Funding Program

The New Jersey Highlands Water Protection and Planning Council (Highlands Council), under the provisions of the Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program (N.J.A.C 7:70), is now accepting applications for the 2020 Highlands Open Space Partnership Funding Program (Highlands Open Space Program).

The Highlands Open Space Program is a matching grant program designed to support conservation projects for the protection of resources within the Highland Region, and to further the land preservation goals of the Highlands Water Protection and Planning Act and the Highlands Regional Master Plan (RMP).

For this round, the Highlands Council is proposing to use funding from the Highlands Conservation Act grant program as its cost share. Applicants should note that this impacts eligibility and appraisal requirements among other aspects of the grant process. Applicants are advised to read this document thoroughly and carefully to ensure all parameters are understood.

B. Federal Highlands Conservation Act (HCA) Grant Program

The Highlands Conservation Act (H.R. 1964, 2004; 16 U.S.C. 3901) is designed to assist Connecticut, New Jersey, New York and Pennsylvania in conserving land and natural resources in the Highlands Region through Federal assistance for land conservation projects in which a State entity acquires land or an interest in land from a willing seller to permanently protect resources of high conservation value. The USDA Forest Service has identified lands that have high conservation value through the “Highlands Regional Study: Connecticut and Pennsylvania 2010 Update” similar to that completed for the Highlands of New Jersey and New York in 2002. Subject to availability of funds through Federal appropriation, each year, Governors of the four Highlands States may submit land conservation projects in the Highlands Region for funding not to exceed fifty-percent of the total cost; projects must be consistent with areas identified in the Update as having high resource value. Please see Section II.B. and III.B for addition details on HCA project eligibility.

The HCA grant program is administered by the U.S. Fish and Wildlife Service (USFWS). The Highlands Council is the designated “Lead State Agency” for New Jersey in this program (only eligible applicant). HCA funding availability is subject to change annually.

C. Funding Availability and Associated Requirements

Funding availability is contingent upon the Highlands Council’s application to and award from the Highlands Conservation Act (HCA) grant program. As such, all projects funded through the Highlands Open Space Program will be subject to the requirements of **both** the Highlands Open Space Program **and** Highlands Conservation Act grant program.

Applicants should be aware that projects funded in part by the HCA grant program must adhere to the USFWS Service Manual Chapters 520 FW 6 and 520 FW 7 (“Real Property – Overview” and “Real Property: Valuation, Negotiation, and Acquisition”). Please note that these chapters address many aspects of property acquisition and valuation including requirements for “Yellow Book” appraisals. This may limit the ability to base project values on pre-Highlands Act regulations. In addition, applicants should also note that USFWS will only fund up to 50% of “the state’s interest” in a preservation project. Please see Section II.D and II.E for additional information.

D. Award Process

Following receipt and review of applications for administrative completeness by Highlands Council staff, a report on all applications is prepared for review by the Highlands Council’s Landowner Equity and Land

Preservation (LELP) Committee. The Landowner Equity and Land Preservation Committee prepares a final recommendation for the Highlands Council. At a public meeting, the Highlands Council may then adopt a resolution issuing an approval of funding for applications to the Highlands Open Space Program. At that time, the applicant will have 12 months (with up to two 6-month extensions) to close on the acquisition, pending review and approval of final documents by Highlands Council staff and the USFWS.

E. Application Deadline

Applications must be post-marked by June 30, 2020 to be eligible for the 2020 funding round.

II. Eligibility

A. Applicants

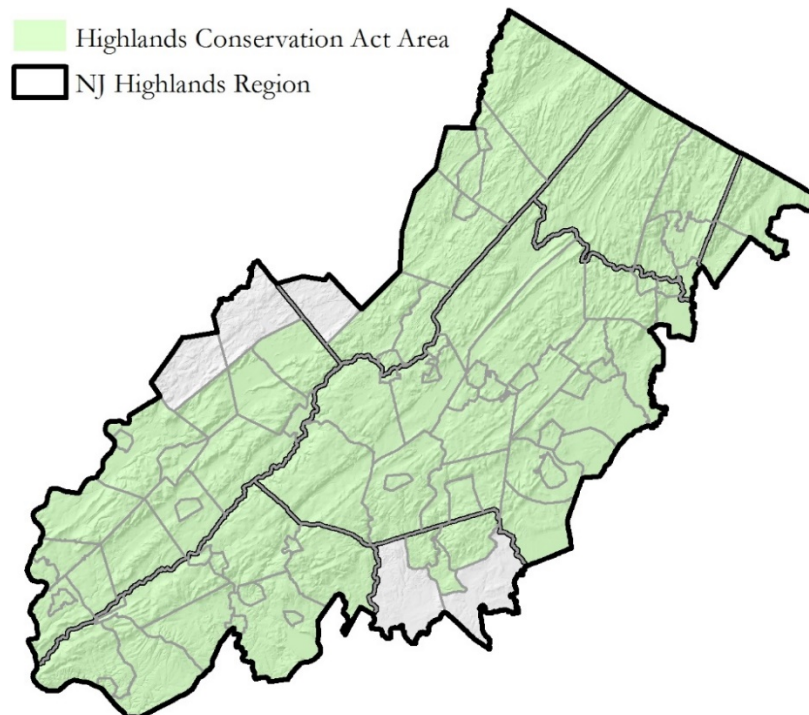
Per N.J.A.C. 7:70-3.1(a), the following entities are eligible to apply for funding:

- The State of New Jersey, in accordance with the State funding source requirements;
- Any of the seven counties located in the Highlands Region;
- Any of the 88 municipalities located in the Highlands Region; and
- Charitable conservancies.

A “charitable conservancy” means a corporation or trust exempt from Federal income taxation under paragraph (3) of subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)), which purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition.

B. Project Location

Projects located within the New Jersey Highlands Region, including both the Preservation and Planning Areas, are eligible for the Highlands Open Space Program. Please note that applications funded through the Highlands Conservation Act must fall within the Federal Highlands Conservation Act Area, which excludes certain municipalities located in the New Jersey Highlands Region.



C. Eligible Projects

Per N.J.A.C. 7:70-3.1(b), projects proposing (1) the fee simple acquisition of land for conservation and/or passive recreation or (2) the acquisition of conservation easements for conservation purposes are eligible for the Highlands Open Space Program. This includes restrictions on future development and protection of uses including, but not limited to: parkland, natural areas, greenways, farmland, and other natural resources identified in the RMP.

D. Cost-Share Requirement

The Highlands Council will provide awards up to, but not exceeding, 50% of the final purchase price of eligible projects. Applicants are required to provide a list of all proposed funding sources for the project at the time of application. Because the Highlands Council is proposing to use the Highlands Conservation Act funding as its cost share, applicants should note that USFWS will only fund up to 50% of “the state’s interest” in a preservation project. This means, if any entity other than the State of New Jersey is holding the property title, and the State’s interest will be represented solely through a Deed of Conservation Restriction (DCR) or similar, project proposals should be based on up to 50% of the DCR value *only*. Appraisals will be required to verify the value of such easements/restrictions.

E. Total Request Limitations

There is no minimum nor maximum amount a single applicant may request, provided at least 50% of total price will be provided by the applicant and/or its partners (See above regarding “state’s interest” when determining total project cost). Please note, however, that the Highlands Council does not anticipate awarding partial requests nor will the Highlands Council negotiate award amounts with applicants. If a total request exceeds available funding, the project may not qualify for an award even if it meets the program priorities, due to funding availability.

F. Ineligible Projects

Per N.J.A.C. 7:70-3.1(c), the following projects, properties, and expenses are not eligible for the Highlands Open Space Program:

- Properties to be held in fee simple title by the Highlands Council;
- Properties which require condemnation;
- Properties containing significant environmental contamination, including, but not limited to, former landfill sites, sites having a history of operating as a facility with substantial likelihood for on-site contamination, and sites listed on the New Jersey Department of Environmental Protection’s Known Contaminated Sites List;
- Properties already preserved or acquired during the application process;
- Administrative or operational costs of the applicant or current or former owners;
- Construction or development projects, including capital improvements, recreation improvements, infrastructure projects, and the restoration, rehabilitation, or reconstruction of any structure (however, this shall not preclude the purchase of the eligible underlying lands);
- Maintenance, care, custodial, or policing expenditures, including, but not limited to, grounds maintenance, restoration, or reconstruction;
- Ceremonial or publicity expenses;
- Interest, bonding expenses, or other financing costs;
- Fundraising or lobbying expenses; and
- Interpretive activities, such as displays or signs.

III. Program Priorities

In this funding round, the Landowner Equity and Land Preservation committee will review all applications against priorities established in both the Highlands Open Space Program and the federal Highlands Conservation Act.

A. Highlands Open Space Program Priorities

As defined in N.J.A.C. 7:70-3.3(b), the Highlands Open Space Program will prioritize funding awards based on the following, in no particular order:

- Properties designated as a Special Environmental Zone in the RMP
- Properties designated as High or Moderate Conservation Preservation Priority in the RMP
- Properties designated as High or Moderate Agricultural Preservation Priority in the RMP
- Projects that will provide connectivity to adjacent open space or preserved lands
- Applications that provide for a higher proportion of outside matching funds (requests less than 50%)

Applicants are encouraged to review their projects against the above referenced RMP mapping layers using the Highlands Council's online interactive map: www.nj.gov/njhighlands/gis/

B. Highlands Conservation Act Requirements

Additional priorities established in the Highlands Conservation Act also will be considered as part of the review process. Specifically, projects should be in a high conservation value area as identified in the "NY-NJ Highlands Regional Study: 2002 Update" composite resource map, or in any of the individual resource maps as identified in the study (water, forest, wildlife, agricultural, cultural/recreational). The 2002 study is available online at: www.fs.usda.gov/naspf/sites/default/files/publications/ny_nj_highlands02_lr.pdf.

Highlands Conservation Act Conservation Values Assessment mapping layers (composite value, water, forest, wildlife, agricultural, and cultural/recreational) are available in GIS format at: www.crssa.rutgers.edu/projects/highlands/data.html

IV. Requirements Related to Awarded Projects

If a project is awarded funding through the Highlands Open Space Program, several requirements apply. It is critical to understand these prior to submission of a Highlands Open Space Program application, to ensure that these do not conflict with any applicant requirements or requirements of entities providing matching funds for a project. **Please note that, unless detailed in the Application Checklist or Application Form, the items in this section are not required at the time of application to the Highlands Council's Highlands Open Space Program.** Further guidance related to these items is provided to Highlands Open Space Program awardees at a later date.

A. Federal Review and Approval Process

Projects receiving Highlands Conservation Act funding require federal review and approval of a complete closing package prior to final acquisition. This administrative process will be led by Highlands Council staff, in close cooperation with both the Highlands Open Space Program applicant and the U.S. Fish and Wildlife Service. Federal requirements consist of (subject to change with each funding round):

- Project statement including: need, objective, benefits, approach, budget, map(s).
- Documentation of pre-agreement costs (itemized list of costs incurred prior to Highlands Conservation Act grant date)
- Preliminary summary of land costs

- Legal Description of the Property, including State and vicinity maps and survey if available
- Appraisal(s) and Appraisal Review
 - IMPORTANT NOTES: All appraisals must be consistent with USFWS Service Manual Chapters 520 FW 6 and 520 FW 7 (“Real Property – Overview” and “Real Property: Valuation, Negotiation, and Acquisition”). These chapters address many aspects of property acquisition and valuation including requirements for “Yellow Book” appraisals. In addition, USFWS will only fund up to 50% of “the state’s interest” in a preservation project. Appraisals must reflect state’s interest. (See sections II.D and II.E.)
- Purchase option(s) or agreement(s)
- Statement(s) of just compensation (if P&S Agreement doesn’t identify appraised value)
- Notice(s) of Federal Participation and paragraph inserted in deed or easements for acquired parcel(s)
- Section 7 review for each property
- National Environmental Policy Act (NEPA) review
- State Historic Preservation review for each property, as appropriate
- Conservation Easement
- Management Plan (for Easements), if applicable
- Baseline Documentation Report of Condition of Property
- Documentation of Mortgage Subordination (for Easements, if mortgage on property)
- Shapefile of project site

Please note the majority of items on the above list will be drafted and/or completed by Highlands Council staff, provided the application is approved for funding.

B. Deed Restriction or Easement Language

The Highlands Council reviews and approves all proposed deed restriction or easement language. The State of New Jersey will be included as Grantee in any final deed restriction or easement. In addition, a “Notice of Federal Participation” with language specified by the USFWS will be required as attachments in all deeds and/or easements.

C. Proof of Final Purchase Price

Final proof of purchase price (i.e. contract of sale or agreement) shall be provided prior to closing.

D. Summary of a Plan for Long-Term Stewardship

If the NJDA State Agriculture Development Committee is a beneficiary to this project and its monitoring requirements will be in place, please specify. Additional language regarding long-term stewardship is not required.

E. Title Search Update

A title search update is required prior to the filing of any deed or deed of easement on a property.

F. Rule Standards Shall Apply

In the event of any discrepancy between this Request for Applications and the Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program (N.J.A.C 7:70) and the Federal Highlands Conservation Act Grant Program, the requirements N.J.A.C 7:70 and the Highlands Conservation Act shall apply.

Highlands Open Space Partnership Funding Program Application

Administrative Completeness Submission Requirements Checklist:

- Completed and signed application form, including this checklist;
- Where the applicant is a charitable conservancy:
 - Documentation indicating that the entity is exempt from Federal income taxation under paragraph (3) of the subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. § 501 (c)(3)); and
 - Documentation indicating that the entity's purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition;
- Where the applicant is a county or municipal government:
 - Copy of an adopted resolution authorizing the submission of the application for the property in question;
- Draft copy of the proposed deed restriction or easement.
- Where applicable, 8.5” x 11” map(s) and, is available, accompanying digital shapefiles of the following:
 - Location of all known existing easements, road rights-of-way, encroachments, and similar features, with the source of such information provided
 - Location of any proposed area(s) to be excepted from the easement or deed restriction.
- Valuation information:
 - Where appraisals have already been prepared, copies of such must be submitted;
 - Where no appraisals have been prepared, an estimated total cost must be submitted (see sections II.D and II.E regarding “state’s interest” when estimating total cost);
 - Where a specific valuation has already been negotiated, that valuation must be submitted; or
 - Where a contract of sale has been agreed upon, copies of the contract must be submitted.
- If available, title search of the property confirming the current owner’s title.
- Commitment letters, adopted resolutions, or other documentation demonstrating proof of all matching funding sources.

If you have any questions regarding this application or the Highlands Open Space Partnership Funding Program, please contact James Humphries, Director of Planning, Science and GIS at james.humphries@highlands.nj.gov or 908-879-6737. The completed application checklist, form, and all supporting materials may be mailed to the email address above; or mailed/hand delivered to:

**New Jersey Highlands Water Protection and Planning Council
100 North Road
Chester, NJ 07930**

Applications must be post-marked by June 30, 2020 to be eligible for the 2020 funding round.

Applicant Information

Applicant/Organization Name:			
Applicant Mailing Address:			
Name of Primary Contact:			
Phone #:		Email:	
Name of Secondary Contact (if applicable):			
Organization (if different from applicant):			
Phone #:		Email:	

Owner Information

Property Owner(s) Name:			
Owner Mailing Address:			
Phone #:		Email:	
Co-Owner Name(s) (if any):			

Property / Project Information

Municipality(ies):		County(ies):	
Block(s) and Lot(s):			
Property Address:			
Acquisition Type:	<input type="checkbox"/> Fee Simple Acquisition with Deed Restriction <input type="checkbox"/> Conservation Easement		
Total Property Acreage:		Acreage for Acquisition:	
Are there home(s) located on the property? If yes, describe below.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, are the home(s) located in the acquisition area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Number of home(s) and year(s) built:			
Other buildings located on the property? If yes, describe below.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, are the buildings located in the acquisition area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Building(s) description (use and year built):			
Are there any known environmental, access, structure related, property encroachment, or other issues? If yes, please explain below.	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Mortgage Information

Is there a mortgage on the property? If yes, complete the sections below.		<input type="checkbox"/> Yes <input type="checkbox"/> No
Mortgage Holder Name:		
Mortgage Holder Address:		

Related Proposed Preservation Projects

Are there any immediately adjacent properties that are not currently preserved, proposed for preservation? If yes, please specify those properties below.		<input type="checkbox"/> Yes <input type="checkbox"/> No
Municipality(ies):		County(ies):
Block(s) and Lot(s):		

Funding Sources

Current Total Valuation of Acquisition:		
Total Request to the Highlands Council*:		
Matching Source 1:		Match Amount 1:
Matching Source 2:		Match Amount 2:
Matching Source 3:		Match Amount 3:
Matching Source 4:		Match Amount 4:
Matching Source 5:		Match Amount 5:
Matching Source 6:		Match Amount 6:

**Please see sections II.D and II.E regarding "state's interest."*

Certification

I hereby certify that the information included within this application is complete and true and that I am the legal owner of the property described above, that I have marketable title to the property. I also hereby authorize the staff of the Highlands Council, upon notice, to conduct such site inspections on the property as are necessary to review this application.

_____	_____		
Signature of Applicant	Date		
_____	_____	_____	_____
Signature of Owner	Date	Signature of co-owner (if applicable)	Date