



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
PO Box 439
Trenton, NJ 08625-0439
Fax # (609)-777-0454
www.nj.gov/dep/landuse/



DEPARTMENT OF ENVIRONMENTAL PROTECTION
UPLAND PRESERVATION PROPOSAL
CHECKLIST FOR COMPLETENESS
(10-6-08)

These are the application requirements for an upland preservation proposal. Please read each section and place a check in the box adjacent to each requirement once completed. As required at N.J.A.C. 7:7A-15.5, 15.6 & 15.9, the applicant must demonstrate that the off-site upland preservation shall be valuable for the protection of a freshwater wetland ecosystem. The below requirements will be used when making that determination. Please provide three copies of the following information and plans

- 1. Provide an introduction that contains the following information:
 - a. U.S.G.S. quad showing the location of the regulated activity and the location of the proposed upland preservation area;
 - b. tax map and county map showing the location of the upland preservation area;
 - c. site plan with topography showing all features on the property such as wetlands, streams, open water areas, structures, easements, right-of-ways etc.;
 - d. description of the site (soil types, plant communities, acreage of uplands, acreage of wetlands.). Note if there are any existing or proposed structures, easements, right-of-ways or deed restrictions (other than the Department required deed restriction that will be imposed as part of the mitigation) on the parcel.

- 2. At least four 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 upland preservation site.

- 3. Documentation that the proposed upland preservation site is not affected by hazardous or solid waste disposal sites or air, water or soil pollution. Please refer to N.J.A.C. 7:7A15.4 (h) for additional guidance.

- 4. A wetland functional assessment of the wetlands disturbed under the permit for which mitigation is required as well as a functional assessment of the land proposed to be preserved.

Include a description of the wetlands to be disturbed under the permit for which mitigation is required (size, type, photos, maps, etc.) along with a copy of the permit.

- 5. Provide a comparison between the size and functional assessment of the wetlands proposed to be disturbed and the upland proposed to be preserved which demonstrates the amount of uplands preserved shall be 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 area of uplands preserved shall be significantly larger than the area that would be required if enhancement was the mitigation alternative, since preservation does not replace the values and functions destroyed by a disturbance. At a minimum the uplands preserved shall be at least five acres in size, or adjacent to exceptional resource value wetlands that contain documented habitat for threatened and endangered species; and if adjacent to the a wetland, the uplands preserved shall include the standard transition area required for the wetlands plus an additional 150 feet wide, measured from the outer edge of the transition area. Generally, to be of equal ecological value, the ratio of land to be donated to wetlands permitted to be disturbed is 27:1.
- 6. Provide flora and fauna inventories of the site and note the presence of endangered and/or threatened species.
- 7. Note if the upland site is adjacent to wetlands that contain the following:
 - a. exceptional resource value wetlands;
 - b. critical habitat for flora and fauna as defined at N.J.A.C. 7:7A-1.4;
 - c. wetlands or waters draining to trout maintenance waters, as defined at N.J.A.C. 7:9B, or into public drinking water sources;
 - d. 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 organization; and,
 - e. unique aspects or characteristics that contribute to ecological value.
- 8. Information on any adjacent or nearby public conservation land holdings and whether the land to be donated is connected to those properties.
- 9. Information on whether the land has been designated for preservation in a watershed planning rule at N.J.A.C. 7:15.
- 10. Information on any current and potential public recreational use of the donation site.
- 11. 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-15.17(c), including the amount of a maintenance fund agreed to by the mitigator and the agency or conservancy. . The maintenance fund shall be established sixty days following Department approval of the upland preservation.
- 12. A draft conservation restriction that meets the requirements of N.J.A.C. 7:7A 15.14. 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/forms/index.html>

- 13. Documentation that the mitigation site was public noticed in accordance with N.J.A.C 7:7A-10.8.

Proposal packages shall be submitted to:
New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 439
Trenton, New Jersey 08625-0439
Attn: Diane Dow