



STATE OF NEW JERSEY
Wetlands Mitigation Council
New Jersey Department of Environmental Protection

Mark N. Mauriello, *Acting Commissioner*
Mr. Bryon DuBois
Ms. Abigail Fair
Dr. Joan Ehrenfeld
Dr. Robert Tucker
Mr. John Tiedemann

P O Box 439
Trenton, NJ 08625-0439
Telephone: (609) 633-6563
Fax: (609) 777-3656

**FRESHWATER WETLAND MITIGATION COUNCIL AND
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND DONATION PROPOSAL
CHECKLIST FOR COMPLETENESS**

(7-28-09)

These are the application requirements for a land donation mitigation proposal. Please read each section and check each area after you have fully completed the information for each applicable requirement. As required at N.J.A.C. 7:7A- 15.22 the applicant must demonstrate that the donated land has the potential to be a valuable component of the freshwater wetlands ecosystem. The information submitted in this application will be used when making that determination. In order to make a land donation to satisfy a requirement to provide mitigation under N.J.A.C. 7:7A-15, the permittee needs permission from the Department, as well as approval of the land by the Freshwater Wetlands Mitigation Council. Please provide 2 complete hard copies of the application and 1 electronic copy of all the information identified below. In addition, submit 10 hard copies of any maps associated with the project.

- 1. An introduction that contains the following information:
 - a. U.S.G.S. quad map showing the location of the regulated activity and the location of the proposed land to be donated;
 - b. tax map and county map showing the location of the land to be donated;
 - 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 land to be donated.
- 3. 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.
- 4. Provide certification that the proposed land donation site is not affected by hazardous or solid waste, and or surface water, groundwater or soil contamination. Refer to N.J.A.C. 7:7A - 15.4 (h) for further details on potential contamination.
- 5. A wetland functional assessment of the wetlands disturbed under the permit for which mitigation is required as well as a wetland functional assessment of the wetland system proposed to be donated. 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.
- 6. A comparison between the size and wetland functional assessment of the wetlands to be disturbed under the permit for which mitigation is required and the wetland system proposed to be donated. This functional assessment must demonstrate that the donation will fully compensate for the loss of ecological values caused by the permitted disturbance.
- 7. Flora and fauna inventories of the site and complete information regarding the presence or absence of endangered and/or threatened species. Failure to provide all such information of which the applicant, its consultants, or agents is aware of may result in denial or termination of the permit under N.J.A.C. 7:7A- 14.5, and may subject the applicant to penalties for submittal of false information under N.J.A.C. 7:7A-16.9.
- 8. Information regarding whether the land to be donated is associated with trout production, trout maintenance or trout stocked waters as defined at N.J.A. C.7:7A-1.4.
- 9. Information on any adjacent or nearby public conservation land holdings and whether the land to be donated is connected to those properties.
- 10. Information on any current and potential public recreational use of the donation site.
- 11. A demonstration that the land proposed for donation is an excellent example of a high quality wetland system of the State, region or county (i.e. bog, fen, etc..)

- 12. A demonstration that the acreage of land to be donated to wetlands permitted to be disturbed is of equal ecological value. Generally to be of equal ecological value the ratio of land to be donated to wetlands permitted to be disturbed is 27:1. In accordance with 7:7A-15.22 the land proposed for donation shall be at least five acres in size.

- 13 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-15.19, including the amount of a maintenance fund agreed to by the mitigator and the agency or conservancy in accordance with N.J.A.C. 7:7A-15. The maintenance fund shall be established sixty days following Council approval of the land donation.

- 14. 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>

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: Mitigation Unit

Electronic Version of application must be sent to:
diane.dow@dep.state.nj.us

* The application will not be considered complete or submitted until a complete hard copy is received by the Division.