



**UPLAND PRESERVATION MITIGATION PROPOSAL**  
**CHECKLIST FOR COMPLETENESS**

These are the application requirements for a complete proposal package for a mitigation proposal for uplands preservation. Please read each section and check the box next to each area after you have fully completed the information for each requirement that applies to you.

Please provide three copies of the following information and plans as well as a CD of all materials.

- 1. Provide an introduction that contains the following information:
  - i. USGS quad map showing the location of the regulated activity and the location of the proposed upland preservation area;
  - ii. Tax map and county road map showing the location of the upland preservation area, 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 mitigation site as well as all consultants or any other persons providing assistance on the upland preservation 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 upland preservation site;
  
- 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 alternatives.
  
- 3. Information to enable the Department to determine the loss of functions and values caused by the disturbance for which the mitigation is required, including scientific information such as scientific literature, models or other studies concerning wetlands, soils, vegetation, hydrology, wildlife habitat and any other factors relevant to the functions and values of the site of the disturbance for which mitigation is required; previous Department approvals or correspondence regarding the disturbance; maps, photographs; soil or vegetation samples; delineations and/or other visual materials relating to the site of the disturbance
  
- 5. Provide the following information regarding the resource value of the mitigation site:

- i. Provide flora and fauna inventories of the site and note the presence of endangered and/or threatened species;
  - ii. Documentation that the proposed upland preservation site is not affected by hazardous or solid waste disposal sites or air, water or soil pollution;
  - iii. Whether the potential preservation area is located within the same watershed management area as the disturbance;
  - iv. Information on whether the land has been designated for preservation in a watershed management plan approved by the Department under N.J.A.C. 7:15.
  - v. Site plan with topography showing all features on the property such as wetlands, transition areas, streams, open water areas, structures, easements, rights-of-way, etc.
  - vi. A description of the uplands relationship to existing and proposed development.
6. Note if the upland site is adjacent to wetlands that contain the following:
- i. Exceptional resource value wetlands;
  - ii. Critical habitat for flora and fauna as defined at N.J.A.C. 7:7A-1.3;
  - iii. 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. 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; or are adjacent to such lands;
  - v. Unique aspects or characteristics that contribute to ecological value.
7. Provide a comparison between the size and functional assessment of the wetlands 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, uplands should be at least five acres in size, and significantly larger than the area that would be required for any other mitigation alternative. If adjacent to 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 uplands to be preserved to wetlands permitted to be disturbed is 27:1, since upland preservation does not replace the wetland values and functions destroyed by a disturbance; however, the Department may require a different ratio based on the actual ecological functions and values of the disturbed wetlands and those of the uplands proposed to be preserved.
8. 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](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.

9. 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-11.13(d)3, 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.

10. 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  
Division of Land Use Regulation  
Mail Code 501-02A, P.O. Box 420  
Trenton, New Jersey 08625-0420  
Attn: Susan Lockwood