

REPORT ON  
PROPOSED CONVEYANCE OF LAND  
LOCATED IN  
THE TOWNSHIP OF MAURICE RIVER,  
COUNTY OF CUMBERLAND

BLOCK 316, LOT 44.01 (p/o)  
BLOCK 316, LOT 44.02 (p/o)  
BLOCK 316, LOT 44.03 (p/o)  
BLOCK 316, LOT 44.04 (p/o)  
BLOCK 294, LOT 1 (p/o)

BY

THE NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

[N.J.S.A. 13: 1D-52]

Prepared by: New Jersey Department of Environmental Protection  
November 2022

## STATUTORY REFERENCES

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-52(a)1, transmits the report to the individuals listed at N.J.S.A. 13:1D-52(a)2, makes the report available to the public in accordance with N.J.S.A. 13:1D-52(a)3, and conducts one or more public hearings as required by N.J.S.A. 13:1D-52(a)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 P.L. 1993, c. 38 amended N.J.S.A. 52:31-1.1, entitled “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, the second hearing will be a joint NJDEP/State House Commission hearing, and the joint NJDEP/State House Commission hearing is intended to satisfy the requirements of N.J.S.A. 52:31-1.1.<sup>1</sup>

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; and N.J.S.A. 13:8C-1 et seq.

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<sup>1</sup> 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>

## **RATIONALE FOR CONVEYANCE**

The State of New Jersey, Department of Environmental Protection (“NJDEP”) proposes to convey to the Township of Maurice River (“Township”), by direct sale, approximately 5.58 acres of land located in the Township of Maurice River, County of Cumberland. The land proposed to be conveyed is comprised of portions of the parcels designated for tax purposes as Block 316, Lot 44.01; Block 316, Lot 44.02; Block 316, Lot 44.03; Block 316, Lot 44.04; and Block 294, Lot 1 (hereafter, the “Property”). The NJDEP also proposes to convey to the Township an access easement covering a portion of Matt’s Landing Road, which is owned by the NJDEP, to provide permanent legal access to the Property. The Property is located in an area known locally as Matt’s Landing and is managed by the NJDEP’s Fish and Wildlife (“F&W”) as part of the Heislerville Wildlife Management Area (“WMA”). The proposed sale price for the Property is \$185,000.

### **Background**

Heislerville WMA contains over 7,600 acres of tidal marsh, shoreline, woodlands, and fields, and is managed for fish and wildlife habitat. The WMA offers opportunities for a variety of recreational activities including hunting, fishing, trapping, birding, wildlife viewing, photography, boating, and hiking, among others. To facilitate these activities, F&W maintains a network of roads and parking areas, two boat launches, and an observation platform (Figure 1).

The NJDEP purchased the Property in 1956 from the Estate of John Cadwalader as part of an acquisition of just over two thousand contiguous acres. At the time of acquisition, the area known as Matt’s Landing was leased by the owner of record, John Cadwalader, to ten lessees for various concessions, including boat liveries, vessel fueling stations, and bait shops. Although the land on which the concessions and improvements (structures) were located was owned by John Cadwalader, the improvements were owned by the lessees. As a result of the acquisition, the NJDEP owns the underlying land but does not own the improvements. The NJDEP assumed management of the leases and the lessees have continued to own the improvements.

The acquisition of the Cadwalader property was funded by two sources. Twenty-five percent of the cost was funded by F&W’s Hunters and Anglers License Fund, established under N.J.S.A. 23:3-11. This fund is the repository for hunting and fishing license fees and is to be used “exclusively for such purposes and activities as the Division of Fish, Game and Shellfisheries deems to be in the best interest of the wildlife resources of the State.” Seventy-five percent of the cost was funded by a federal grant under the Federal Aid in Wildlife Restoration Act (enacted in 1937), also known as the Pittman-Robertson Wildlife Restoration Program, which supports wildlife restoration, conservation, and hunter education and safety programs, including the purchase of land for conservation purposes.

The Property was never suitable for public hunting, fishing, trapping, other wildlife related activities, conservation, and wildlife habitat since it contained several privately owned structures and commercial marinas. After acquiring the Property, the NJDEP continued to lease the land to the owners of the structures for various concessions. Over time, the improvements have fallen into disrepair, and only two of the four marinas continue to operate. The deterioration of the structures on the Property has created a management and enforcement challenge for F&W.

Over the years, the NJDEP has considered various scenarios to address the management of Matt's Landing. Removal of the tenants from the property would be difficult from both a legal and financial perspective, particularly because the tenants own the structures. Even if the tenants were removed, restoration of the site would be costly and would require extensive cleanup (removal of asphalt, demolition of structures, and removal and possible remediation of areas that contain fuel tanks).

After years of challenges associated with the management of Matt's Landing, the NJDEP was approached by the Township with a request to purchase the Property. The Township intends to transform the Property into a profitable commercial and recreational destination. The towns of Bivalve and Shell Pile, across and slightly downriver from the Property, underwent similar transformations and have experienced increased economic activity in recent years. The proposed conveyance of the Property to the Township will relieve the NJDEP of the responsibility of managing tenants and overseeing leases, allowing it to focus more of its resources on the management of the Heislerville WMA.

The specific parcels and approximate acreages proposed to be conveyed by NJDEP to the Township are as follows:<sup>2</sup>

[see table on following page]

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<sup>2</sup> The acreage values for the lots included in the Property listed in the table "Proposed Land Conveyance by NJDEP to the Township" are approximations based on tax map parcels. The tax maps do not accurately represent the orientation or size of the parcels. The Township intends to realign the boundaries of the parcels after the proposed conveyance is completed. The boundaries of the Property and Proposed Access Easement have been established by survey and the "Total" acreage values listed in the table and elsewhere in this Report are accurate.

<b>Proposed Land Conveyance by NJDEP to the Township</b>						
Municipality	Block	Lot	Street Address	Current Owner	Proposed Owner	Acres to Township
Township of Maurice River	316	44.01 (p/o)	Matt's Landing Road	NJDEP	Township	0.66
Township of Maurice River	316	44.02 (p/o)	Matt's Landing Road	NJDEP	Township	1.08
Township of Maurice River	316	44.03 (p/o)	Matt's Landing Road	NJDEP	Township	1.13
Township of Maurice River	316	44.04 (p/o)	Matt's Landing Road	NJDEP	Township	1.16
Township of Maurice River	294	1 (p/o)	Matt's Landing Road	NJDEP	Township	1.54
Total						5.58
<b>Proposed Access Easement Conveyance by NJDEP to the Township</b>						
Township of Maurice River			Matt's Landing Road	NJDEP	NJDEP	1.07
Total						1.07

A general location map of the Property is attached as Figure 2. An aerial map of the Property is attached as Figure 3. A survey of the Property is attached as Figure 4.

The NJDEP has determined, through the Real Property Review (RPR) process administered by the Department of Treasury, that no State or government agency, other than the Township, is interested in using or acquiring the Property. As authorized by the State of New Jersey Department of the Treasury Joint Circular NO.: 08-06-PMC/OMB, the NJDEP intends to pursue a direct sale to the Township. If the conveyance to the Township does not take place, the NJDEP intends to make the Property available for sale through public auction.

The proposed disposal is also considered a federal action with the potential to affect the human environment due to the federal funding used when the property was purchased, and approval of this disposal by the U.S. Fish and Wildlife Service (Service) requires an analysis of its potential impacts according to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4347. NEPA requires that creation of an Environmental Assessment outlining and discussing the possible environmental effects of the sale and any alternatives to the sale. The Service will use this Environmental Assessment to determine if the proposed action is likely to result in significant impacts to the environment. If it is determined that none are likely, the Service will issue a Finding of No Significant Impact and allow the disposal of the proposed 5.58-acres that was purchased with Wildlife Restoration funds.

Pursuant to N.J.S.A. 23:8A-1, the proposed sale was presented to the Fish and Game Council at its June 9, 2020 meeting. The Council has not raised any objections to the proposed sale.

As discussed in more detail in the Economic Assessment, below, once the Property is sold to the Township the terms of the original federal grant agreement that funded the purchase obligate the NJDEP to reimburse the Service for seventy-five percent of the value of the Property. The NJDEP will reimburse the Service and the Service will then apply these funds to F&W's statewide land acquisition grant under the Wildlife and Sport Fish Restoration (WSFR) Program, a part of F&W's Pittman-Robertson funding. The funding will then be available to F&W for future land acquisition.

Any land acquired by the NJDEP using proceeds from the proposed conveyance will be preserved by statute as replacement for land originally purchased with Pittman-Robertson Wildlife Restoration Program funds, and future conveyance of this land will be governed by the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58, and by federal law governing land purchased with federal grant funds. Any replacement land will be assigned to the F&W for hunting, fishing, trapping, other wildlife-related activities, conservation, and wildlife habitat. The replacement land will also be subject to N.J.S.A. 23:8A-1, which requires Fish and Game Council consultation regarding any future land sales or exchanges.

The remaining proceeds will be returned to F&W's Hunters and Anglers License Fund, to be used for the purposes authorized by N.J.S.A. 23:3-11.

As outlined above in the Statutory References section, the NJDEP is required to conduct two public hearings on the proposed land conveyance. The Service also requires a public hearing for the disposal, which will be combined with one of the two hearings required by N.J.S.A. 13:1D-51 through 58. The public hearing notice can be found in Appendix 1 of this report.<sup>3</sup> 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. 13:1D-52:31-1.1 and N.J.S.A. 23:8A-1, and the approval of the Service. The NJDEP believes that the earliest it could obtain these approvals is early to mid-2023.

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<sup>3</sup> Due to their length, the Figures and Appendices are not directly appended to this document. They can be accessed at: <https://dep.nj.gov/otpla/public-notice/#PLA-NJDEP-property-conveyances>, under "Public Land Administration", "NJDEP Property Conveyances".

## DESCRIPTION OF THE PROPERTY

The Property consists of approximately 5.58 acres of land within five tax parcels located in the Township of Maurice River, County of Cumberland. The Property is located along the Maurice River, with approximately 2,047 feet of river frontage, on a narrow strip of land that separates the river from several man-made ponds to the south and east. The Property has approximately 1,600 feet of road frontage along the northwest side of Matt's Landing Road and approximately 279 feet of road frontage along the northwest side of a road referred to as Earth Dike, which provide access to each of the lots included in the Property. The portions of Matt's Landing Road and Earth Dike that serve as access to the Property are owned by the NJDEP, whereas the remainder of Matt's Landing Road is a county road (Figure 4).

Block 316, Lot 44.01 is located northeast of the western terminus of Matt's Landing Road. Block 316, Lot 44.02 is adjacent to the northeastern boundary of Lot 44.01. Block 316, Lot 44.03 is adjacent to the northeastern boundary of Lot 44.02. Block 316, Lot 44.04 is adjacent to the northeastern boundary of Lot 44.03. Block 294, Lot 1 is adjacent to the northeastern boundary of Block 316, Lot 44.04. According to the survey of the Property (Figure 4), the tax lots as depicted on the Township's tax maps do not accurately represent the boundaries of the parcels that comprise the Property. Therefore, a portion of each lot is proposed to be sold in fee and a portion is proposed to be subject to the road easement.

The Property is bordered to the northeast, east, south, and west by the Heislerville WMA. The southeastern boundary of the Property is formed by a section of Matt's Landing Road and a section of Earth Dike, which will remain under NJDEP ownership as part of the Heislerville WMA, subject to access rights to be conveyed to the Township. F&W uses these roads regularly for maintenance and the public uses them to access portions of the WMA for recreational activities. The northwestern boundary of the Property is formed by the mean high-water line associated with the Maurice River. The adjacent land that is below the mean high-water line, as well as any formerly tidally flowed land, is subject to tidelands claims by the State of New Jersey (Figure 5).<sup>4</sup>

### **Environmental Features**

According to the NJDEP Bureau of GIS's "Land Use/Land Cover of New Jersey 2015" data, the Property contains 5.27 acres of land categorized as "Urban," with a land use/land cover description of "Industrial"; 0.24 acre of land categorized as "Wetlands," with a land use/land cover description of "Saline Marsh (Low Marsh)"; and 0.07 acre of land categorized as "Water," with a land use/land cover description of "Tidal Rivers, Inland Bays, and Other Tidal Waterways" (Figure 6). The land categorized as "Water," as well as any land that was formerly tidally flowed, are subject to tidelands claims, as mentioned above. The NJDEP made an effort to align the boundaries of the Property in such a way that only previously developed land would be conveyed to the Township. Any wetlands located on the Property

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<sup>4</sup> Tidelands are defined as all lands that are currently and formerly flowed by the mean high tide of a natural waterway. For more information, visit: [https://www.nj.gov/dep/landuse/tl\\_main.html](https://www.nj.gov/dep/landuse/tl_main.html). New Jersey tidelands are public lands and certain uses require written permission from the NJDEP's Bureau of Tidelands Management or the Tidelands Resource Council and payment of a fee.

will continue to be protected by the Wetlands Act of 1970, the Coastal Area Facility Review Act (CAFRA), and any other applicable laws or regulations. Although the Property is within the Pinelands National Reserve, it falls outside of the Pinelands Preservation Area. A map of wetlands and surface waters on the Property is attached as Figure 8.

A detailed description of the Property may be found in the appraisal included in this report as Appendix 2.

## **ADVANTAGES AND DISADVANTAGES**

### **For the NJDEP**

The proposed conveyance will have several advantages for the NJDEP. The proposed conveyance will relieve the NJDEP of the responsibility of managing tenants and overseeing leases and will allow more resources to be devoted to the management of the Heislerville WMA. Most of the proceeds of the proposed conveyance will be used to purchase and manage land more suitable for hunting, fishing, trapping, other wildlife related activities, conservation, and wildlife habitat. The NJDEP will continue to own a large tract of land at the Heislerville WMA that is suitable for these purposes, and which contains two boat ramps and an observation platform for public use.

There are no known disadvantages from the standpoint of the NJDEP.

### **For the Township**

The proposed conveyance of the Property will allow the Township to pursue its goal of revitalizing the Property and transforming it into a commercial and recreational destination similar to what was accomplished across the Maurice River at Bivalve and Shell Pile. Under Township ownership, and with increased economic activity, the Township will be able to generate much needed revenue from business taxes and property taxes.

There are disadvantages from the standpoint of the Township to owning the Property. There is at least one underground storage tank, numerous old bulkheads in various states of disrepair, old macadam boat launches also in various stages of disrepair, old pilings, old buildings and temporary structures that are falling down, and numerous other items that were left behind by the former tenants. The Township is purchasing the Property “as is” and is fully aware of the issues at Matt’s Landing. However, the Township is also in dire need of ratables. Matt’s Landing is one of the few places left in Maurice River Township that can be revitalized into a thriving commercial and recreational area and can generate tax revenue for the Township.

## **ASSESSMENT OF ENVIRONMENTAL IMPACT**

Under N.J.S.A. 13:1D-52(a)l, the NJDEP is required to assess (1) the environmental and recreational impact of the proposed conveyance, including, but not limited to, the impact on endangered species and nongame species as defined and regulated pursuant to P.L.1973, c.

309 (C. 23:2A-1 et seq.), and endangered plant species as defined and regulated pursuant to P.L.1989, c. 56 (C. 13:1B-15.151 et seq.); and (2) the environmental and economic value of the lands proposed to be conveyed under both their current and proposed uses. Because of the federal funding, NEPA requires a draft Environmental Assessment be prepared pursuant to 40 C.F.R. 1501.6.

“The Environmental Assessment shall

- (1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact; and
- (2) Briefly discuss the purpose and need for the proposed action, alternatives as required by section 102(2)(E) of NEPA, and the environmental impacts of the proposed action and alternatives, and include a listing of agencies and persons consulted.” 40 C.F.R. 1501.5(c).

The draft NEPA Environmental Assessment is attached hereto as Appendix 4.

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

The proposed conveyance has undergone an internal review by the affected programs within the Department’s former Natural and Historic Resources Group, including the Nongame and Endangered Species Program (ENSP), the State Historic Preservation Office (SHPO), the State Forest Service, the State Forest Fire Service, and the Office of Natural Lands Management (ONLM). This review raised a minor concern from one of the reviewing programs. There were no concerns from the other four reviewing programs. The ONLM noted that the Natural Heritage Database has records for two occurrences of *Polygonum buxiforme* (Small’s Knotweed) at Block 316, Lot 44.02 and Block 294, Lot 1, with a potential third occurrence at Block 316, Lot 44.01. *Polygonum buxiforme* has a Global Element Rank of G5 (globally secure) and a State Element Rank of S3 (rare in State with 21 to 50 occurrences).<sup>5</sup> These occurrences were last noted in 2014. ONLM has stated that when the Township applies for the permit that will be needed from NJDEP’s Land Resource Protection program to develop the Property, a plant specialist will confirm the existence of any occurrences of *Polygonum buxiforme* prior to the issuance of a permit. If the plant is found to exist, appropriate conditions will be imposed on the development through the permits.

As shown in Figure 7, the ENSP’s “Landscape Project – Species-Based Habitat” data, Version 3.3, indicates that the Property contains 5.21 acres of land categorized as “Rank 1 – Habitat specific requirements,” the lowest a habitat patch can receive (assigned to species-specific habitat patches that meet habitat-specific suitability requirements such as minimum size or core area criteria for endangered, threatened or special concern wildlife species, but that do not intersect with any confirmed occurrences of such species...).<sup>6</sup> The Property also contains

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<sup>5</sup> For more information regarding the Natural Heritage Database, see *Database of Rare Biodiversity* at <https://nj.gov/dep/parksandforests/natural/heritage/database.html>.

<sup>6</sup> For more information regarding Landscape Project Version 3.3, see *New Jersey Landscape Project Version 3.3* at <https://www.arcgis.com/home/item.html?id=e27e5bbe2a884897bf334c2d68e678d0>.

0.35 acre of land categorized as Rank 4 – State Endangered (assigned to species-specific habitat patches with one or more documented occurrences of State endangered species). According to the Landscape Project data, habitat and associated types of occurrences for the following species could be present on the portions of the Property categorized as Rank 4:

Bald Eagle – Nest  
Osprey – Foraging  
Bald Eagle – Foraging

ENSP determined that the proposed land conveyance will not have an impact on these species due to the fact that the Property is already developed and does not contain the necessary habitat to support nesting or foraging. The NJDEP will retain ownership of adjacent land that contains suitable habitat for nesting and foraging.

There are no Natural Heritage Priority Sites on or near the Property and SHPO confirmed that the Property does not contain any known historical or archaeological resources.

The NEPA Environmental Assessment uses the same information as used for the State disposal process and comes to the same conclusions. The Environmental Assessment also provides an alternatives analysis.

#### **Summary of Environmental Assessment**

The proposed land conveyance is not likely to have adverse natural resources impacts. As discussed above, the land proposed for conveyance is of marginal suitability as habitat due to the fact that it is already developed. If NJDEP is approved to sell the Property to the Township and the Township applies for permits to develop the Property into marinas, NJDEP's Land Resource Protection will require that a plant specialist confirm the presence of *Polygonum buxiforme* prior to the issuance of any permits in order to protect any rare plants on the Property.

### **ASSESSMENT OF RECREATIONAL IMPACT**

The NJDEP anticipates that the proposed land conveyance will have a positive recreational impact. The Township intends to devote resources to revitalizing the Property and transforming it into a commercial and recreational destination. The Maurice River marinas will be revitalized for the boating public and are anticipated to become highly desirable access not only to the River but also to the Delaware Bay and beyond. The NJDEP will continue to own a large tract adjacent to the Property at Heislerville WMA, which offers opportunities for hunting, fishing, trapping, and other wildlife related activities, and contains facilities such as boat ramps and an observation platform. The NJDEP will be able to devote more resources to the Heislerville WMA when it no longer has the responsibility of managing tenants and overseeing leases on the Property. With the proceeds of the sale, the NJDEP will acquire additional land suitable for hunting, fishing, trapping, other wildlife related activities, conservation, and wildlife habitat.

## ECONOMIC ASSESSMENT

### Valuation of the Property

Under N.J.S.A. 13:1D-56(a), 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 added.]

The NJDEP commissioned an appraisal for the Property, using an appraiser from the NJDEP Green Acres Program's list of approved appraisers, and reviewed and approved the scope of appraisal. The appraisal was completed in May 2018 and was then reviewed and approved by the NJDEP's Green Acres Program. Based on that review, the NJDEP's review appraiser certified the market value of the Property as \$185,000. The NJDEP and the Township then agreed that the Township's purchase price would be \$185,000, and the Township issued bonds in the amount of \$185,000 in reliance on the agreement.

Due to its length, the appraisal that was certified is not attached to this document but is posted online as Appendix 2 of this Report at <https://dep.nj.gov/otpla/public-notice/#PLA-NJDEP-property-conveyances>.

The five tax lots that make up the Property are classified for tax purposes as 4A – Commercial and are zoned as a Conservation District (one C). The allowable uses under the Township's zoning code are listed in Appendix 3. No changes in zoning will be required in order for the Township to pursue its objective of revitalizing the Property.

The appraiser valued the Property as unrestricted land. The appraiser valued the Property for its highest and best use, which was determined to be "marinas." Because the NJDEP owns the land but not the improvements, the appraiser employed a hypothetical condition and valued the Property as vacant land. The value was then determined based on a comparison of the Property with the land values associated with recent marina sales.

### Analysis

As noted above the proposed purchase price of the Property is \$185,000 based on its current zoning and the Township's intended future uses. Under N.J.S.A. 13:1D-56, the NJDEP is required to include in the deed for the conveyance of the Property to the Township statutory language requiring compensation to the State if the property is rezoned, or variances are granted, within 25 years of the purchase in a manner that increases the value of the land.

The NJDEP and the Township believe the proposed land conveyance will be an equitable transaction for the public from an economic perspective. The NJDEP will receive fair market value for the Property, the conveyance will enable both parties to pursue their objectives as outlined in this report, and the public will be able to continue recreating at Matt's Landing.

### **Proceeds of Sale**

N.J.S.A. 13:1D-57 provides:

Except as provided pursuant to section 8 of P.L.1983, c.324 (C.13:1L-8) and sections 1 and 3 of P.L.1958, c.93 (C.23:8A-1 and C.23:8A-3), any proceeds obtained from the conveyance of 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, shall be deposited in the appropriate Green Acres fund or such other fund that may be specially created therefor, to be appropriated to, and utilized by, the department for the acquisition of lands by the State for recreation and conservation purposes.

N.J.S.A. 23:8A-1 allows the Commissioner, after a review by the Fish and Game Council, to authorize the sale of land purchased with Hunters and Anglers funds. N.J.S.A. 23:8A-3 requires the proceeds of such sales to be returned to the Hunters and Anglers Fund, to be spent "...in the best interests of the wildlife of the State." N.J.S.A. 23:3-11.

In addition, the grant agreement executed between the State of New Jersey and the Service stipulates that a portion of the proceeds obtained from the disposal of land purchased using Pittman-Robertson Wildlife Restoration funds must be returned to the Service.

Based on the above, the NJDEP intends to return the proceeds of the proposed conveyance to the programs that originally funded the purchase. Seventy-five percent of the value of the Property will be returned to the Service, and the Service will apply these funds to F&W's statewide land acquisition grant under the WSFR Program. The remaining proceeds of the sale will be returned to F&W's Hunters and Anglers Fund, to be used for the purposes authorized by N.J.S.A. 23:3-11.

Any land acquired by the NJDEP using the State portion of the proceeds from the proposed conveyance will be preserved by statute and any future conveyance of these lands will be governed by the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58 and N.J.S.A. 23:8A-1. Any land acquired by the NJDEP using the statewide land acquisition grant under the WSFR Program will also have the added protections afforded by the federal regulations.

## FIGURES AND APPENDICES

The Figures and Appendices listed below may be accessed at:

<https://dep.nj.gov/otpla/public-notices/#PLA-NJDEP-property-conveyances>

**Figure 1:** Heislerville WMA Map

**Figure 2:** General Location Map

**Figure 3:** Aerial Map of the Property

**Figure 4:** Survey of the Property

**Figure 5:** Tidelands Claim Map

**Figure 6:** Land Use/Land Cover Map

**Figure 7:** Landscape Project Map

**Figure 8:** Wetlands and Surface Water Map

**Appendix 1:** Public Hearing Notice

**Appendix 2:** May 4, 2018 Appraisal Report prepared by Michael E. Holenstein and David Glaser of Holzauer and Holenstein, LLC

**Appendix 3:** Maurice River Township Conservation District Regulations

**Appendix 4:** NEPA Environmental Assessment

## PUBLIC HEARINGS

In accordance with N.J.S.A. 13:1D-52(a)4 and N.J.S.A. 52:31-1.1, two public hearings on the proposed land exchange will be conducted. In addition, the federal regulations at 40 C.F.R. 1506.6(c) require a public hearing. The hearings will be conducted remotely via Microsoft Teams. Members of the public may participate in the hearings via video conference or by telephone. Instructions for participating in the hearings can be found at: <https://dep.nj.gov/otpla/public-notices/#PLA-NJDEP-property-conveyances>.

The **first public hearing** on the proposed exchange will be conducted jointly by the NJDEP and the State House Commission (pursuant to N.J.S.A. 52:31-1.1) will be held on Thursday, December 8, 2022 from 2:00 PM to 4:00 PM or close of public comment (whichever is earlier). Members of the public who do not have internet access may participate in the hearing by calling (856) 338-7074 and using the Conference ID number 475956596#.

The **second public hearing** will be conducted by the NJDEP and will be held on Tuesday, January 10, 2023 from 6:00 PM to 8:00 PM or close of public comment (whichever is earlier). Members of the public who do not have internet access may participate in the hearing by calling (856) 338-7074 and using Conference ID number 32049723#.

Interested persons may obtain additional information on this proposal from Mary Monteschio in New Jersey Fish and Wildlife (contact information below).

All comments must be in writing and submitted to both NJDEP and the State House Commission, via email or US Mail, to Ms. Monteschio (for the NJDEP) and Mr. Shaughnessy (for the State House Commission) at the address(es) listed below. However, electronic submissions are preferred. Written comments may be submitted to Ms. Monteschio and Mr. Robert Shaughnessy of the State House Commission (contact information below) until 5:00 PM on Thursday, December 22, 2022 for the first public hearing and 5:00 PM on Tuesday, January 24, 2023 for the second public hearing. Persons wishing to make oral presentations at either of the public hearings are asked to submit a written copy of their comments for use by the NJDEP and the State House Commission. For comments submitted electronically, please include "Proposed Sale of Property to Maurice River Twp" in the subject line of the email.

## **CONTACT INFORMATION**

For further information or to submit written comments:

**For the New Jersey Department of Environmental Protection:**

Mary Monteschio, Esq., Regulatory Officer  
New Jersey Department of Environmental Protection  
New Jersey Fish and Wildlife  
Mail Code 501-03  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[Mary.Monteschio@dep.nj.gov](mailto:Mary.Monteschio@dep.nj.gov)

**For the State House Commission:**

Robert J. Shaughnessy, Jr., Secretary  
New Jersey State House Commission  
c/o State of New Jersey, Department of Treasury  
Division of Property Management & Construction  
Office of Real Property Acquisition & Disposition  
33 West State Street, 9th floor  
P O Box 229  
Trenton, NJ 08625-0229  
[statehouse.commission@treas.nj.gov](mailto:statehouse.commission@treas.nj.gov)

All comments must be in writing and submitted to both NJDEP and the State House Commission via email or US Mail.

## **DISTRIBUTION LIST**

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

Ken Whildin, Mayor, Township of Maurice River, NJ

Denise Peterson, Municipal Clerk, Township of Maurice River, NJ

Celeste M. Riley, County Clerk, Cumberland County, NJ