



## New Jersey Department of Environmental Protection Office of Transactions and Public Land Administration Public Land Compliance Section

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### What to Expect When We're Inspecting Green Acres Funded Parkland

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The Office of Transactions and Public Land Administration, Public Land Compliance Section, inspects Green Acres-funded parkland (that is, land acquired or developed with Green Acres funds), on a three-year inspection cycle. The main purposes of our inspection are to ensure that the parkland, and any Green Acres-funded facilities, are being kept in reasonably good condition and that public access to the parkland is maintained.

To help you prepare for your inspection, we encourage you to review this document and to take action, as appropriate, before we visit your park.

#### Our Top 5 Frequently Noted Inspection Issues:

- No Green Acres sign at the park entrance or other prominent location
- Encroachments by adjoining property owners or users
- Dumping/stockpiling of materials on parkland (for non-parkland purposes), including excessive litter, trash or vegetative waste
- Funded facilities that are locked or closed without information posted on site about how to obtain access
- “No Trespassing” or “Residents Only” signs on funded parkland

#### Get Your Ducks in a Row:

- The Green Acres rules require the Department to approve leases, use agreements and fee schedules for funded parkland.
- In advance of our inspection, we ask that you gather all these documents and send them to Nancy Lawrence (at the address below) for our files. (We like to save trees, so if you can email scanned copies, please do.)
- When we receive them, we will review any documents that we have not already approved for compliance with the Green Acres rules.

#### Please Note:

- You can find our rules at: [http://www.nj.gov/dep/rules/rules/njac7\\_36.pdf](http://www.nj.gov/dep/rules/rules/njac7_36.pdf) Subchapter 25 of the rules, which governs parkland stewardship, starts on p. 81.
- If your project involved other sources of State or federal open space funding (such as funding provided under the Environmental Infrastructure Financing Program (EIFP), the Land and Water Conservation Fund (LWCF) or the Urban Park and Recreation Recovery (UPARR) program), our inspection will also look for compliance with the requirements of those programs (and any associated funding agreements or easements.)

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#### Questions?

Please contact Nancy Lawrence at 609-322-9713 or [Nancy.Lawrence@dep.nj.gov](mailto:Nancy.Lawrence@dep.nj.gov) with any questions you may have concerning continued maintenance and operation of your parkland.

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## The Inspection's Over—Now What?

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Between now and your next inspection, please keep the following in mind:

- **Leases and use agreements** for Green Acres funded parkland require pre-approval by the Department. *N.J.A.C. 7:36-25.13*. This requirement includes farm leases, but generally excludes agreements lasting less than one year to provide a service to the park (for example, a food concession agreement at a football complex.)
- **Leases and use agreements** for the use of unfunded parkland for recreation and conservation purposes do not require pre-approval by the Department. *N.J.A.C. 7:36-25.13*. However, we are always available to give you guidance on these agreements in order to avoid compliance issues in the future.
- **Leases and use agreements** for the use of parkland for other than a recreation and conservation purpose are generally considered a diversion of parkland. However, in some cases the Department may authorize the temporary use of parkland for another public purpose. We also try to afford more flexibility to leases involving historic structures. *N.J.A.C. 7:36-25.13* and -14
- The **proceeds of any lease or use agreement** on parkland, along with any **fees** you collect on parkland, must go back into the maintenance and operation of your park system. *N.J.A.C. 7:36-25.13*.
- Please acquaint yourself with the **“change in use”** process at *N.J.A.C. 7:36-25.6*. In some cases, changes in how you operate your parkland for recreation and conservation purposes may require a public hearing. Please note that “change in use” is a public notification process, not a Department approval process.
- The **construction of buildings** on funded parkland requires the approval of the Department. *N.J.A.C. 7:36-25.7*. New buildings will not be approved unless they directly support the use of the funded parkland for recreation and conservation purposes. In most cases, the “change in use” process will also apply.
- The **construction of buildings** on unfunded parkland does not require the approval of the Department. *N.J.A.C. 7:36-25.8*. However, new buildings must either directly support the use of the parkland for recreation and conservation purposes or be for public indoor recreation purposes. In most cases, the “change in use” process will also apply. We are always available to give you guidance on your plans in order to avoid compliance issues in the future.
- If you are approached about allowing **mitigation activities** on your parkland (such as freshwater wetlands restoration or enhancement) or about allowing a riparian corridor easement or other mitigation-related easement to be imposed on your parkland, please contact us. Many mitigation activities are allowable on parkland, but some are not. In addition, our rules prohibit you from imposing additional conservation easements on Green Acres funded parkland without conducting a public hearing and without our review and approval. *N.J.A.C. 7:36-25.6(b)*.
- If you think you need to **divert or dispose of parkland** for another public purpose, please contact us as soon as possible. The diversion/disposal application process generally takes 12 to 18 months to complete. The application process may be found at *N.J.A.C. 7:36-26*.
- You are allowed to **transfer** your parkland to another eligible Green Acres funding recipient without it being classified as a diversion or disposal of parkland. However, the Department must approve the transfer, including the transfer deed, and you are required to conduct a public hearing. *N.J.A.C. 7:36-25.5*. Please contact us for guidance and please allow sufficient time for the public hearing process.
- **Please contact the Public Land Compliance Section for a jurisdictional determination prior to selling any land as surplus.** Since a Green Acres encumbrance is not always imposed through a recorded deed or easement, you should not rely solely on a title search or your municipal or County records to determine whether a particular property is restricted as parkland. Please remember that vacant lands, even those purchased without Green Acres funding, can be classified as Green Acres-encumbered unfunded parkland. If you sell Green Acres encumbered land without the proper approvals, the buyer will not have clear title and you will be liable for substantially increased compensation as an “after the fact” disposal if you are not able to get the property back. The “after the fact” diversion application process, including the associated compensation, is likely to cost you more than you will receive from the surplus property sale. *N.J.A.C. 7:36-26.10*.