

## GLOSSARY of LAND PRESERVATION TERMS

**501(c) (3)** - Portion of the IRS tax code referring to non-profit organizations.

**Acute toxicity** - a lethal or severe adverse sublethal effect (for example, immobilization of daphnids) to an organism exposed to a toxic substance for a relatively short period of time. Acute toxicity is measured by short-term bioassays, generally of 48 or 96-hour duration.

**ADA - Agricultural Development Area(s):** An area where the CADB has determined agriculture is the preferred use of the land and is certified by the SADC. Counties must focus their preservation efforts within the borders of ADAs.

**Agreement of Sale** - A legal agreement between two or more parties that defines the terms and conditions of a conservation purchase.

**Algaecide** - Chemical agents which have the capacity to destroy or otherwise control phytoplankton (algae) in water.

**ANJEC - The Association of New Jersey Environmental Commission:** A non-profit organization promoting long-term natural resource protection by supporting local environmental commissions and educating local officials and other concerned citizens.

**Appraisal** - A report provided by an independent professional that supplies a landowner or a land trust with information about the "fair market value" of property.

**Aquifer** - A geologic formation, group of geologic formations, or a portion of a geologic formation capable of yielding a significant amount of ground water to wells or springs.

**ArcView** - Common software used in the geographic information systems (GIS).

**Bargain Sale-** A transaction in which the landowner sells property to a land trust for less than its "fair market value". The landowner may be able to claim the amount of "bargain" as a charitable contribution.

**Baseline Documentation** - A report that is completed at the time an Easement is acquired that documents its current condition through pictures and narratives. Annual inspections of easements are compared to the Baseline Documentation to determine if the easement has been complied with.

**Bequest** - A gift of land or other asset through a person's will.

**Bioaccumulation** - The increase of the concentration of a substance within the tissues of an organism, to levels in excess of that substance's ambient environmental concentration, directly from the water or through the ingestion of food (usually other organisms).

**BMP - Best Management Practice:** Refers to the practice considered most effective to achieve a specific desired result for the protection of water, air and land and to control the release of toxics.

**CAFRA - Coastal Area Facilities Review Act:** Passed by the NJ Legislature to regulate development within a specific geographic coastal zone. CAFRA II amended the original act in 1993 to address single units of development near coastal waters and coordinate CAFRA Regulations with the State Plan.

**C1 - Category One Waters:** Those waters designated in the tables in N.J.A.C. 7:9B-1.15(c) through (h), for purposes of implementing the anti-degradation policies as set forth at N.J.A.C. 7:9B1.5(d), the SWQS, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources(s).

**CADB - County Agriculture Development Board:** Promotes the present and future of agriculture by preserving agricultural land and by promoting public education and agricultural viability.

**CAFRA – Coastal Area Facilities Review Act:** Passed by the NJ Legislature to regulate development within a specific geographic coastal zone. CAFRA II amended the original act in 1993 to address single units of development near coastal waters and coordinate CAFRA Regulations with the State Plan.

**Charitable Donation** - An outright gift or contribution, with charitable intent, whose value is deductible pursuant to federal and state income and estate/inheritance tax laws.

**CMP - Comprehensive Management Plan (Pinelands)** - The CMP implements, and is an exercise of, the powers granted to the Pinelands Commission by the 1979 New Jersey Pinelands Protection Act and the Federal National Parks and Recreation Act of 1978. The regulations and standards it contains are designed to promote orderly development of the Pinelands so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historical, scenic, cultural and recreational resources of the Pinelands.

**COAH - Council on Affordable Housing** - The COAH mission is to facilitate the production of sound, affordable housing for low and moderate income households by providing the most effective process to municipalities, housing providers, nonprofit and for profit developers to address a constitutional obligation within the framework of sound, comprehensive planning

**Combined sewer overflow** - The excess flow from the combined sewer system which is not conveyed to the domestic treatment works for treatment, but transmitted by pipe or other channel directly to waters of the State.

**Comparable Sale or Comp** - An existing sale of land whose characteristics are similar to a property being evaluated by an appraiser for the purposes of determining its value.

**Composting** - The aerobic decomposition of biodegradable organic matter, producing compost. The decomposition is performed primarily by facultative and obligate aerobic bacteria, yeasts and fungi, helped in the cooler initial and ending phases by a number of larger organisms such as ants and worms.

**Confined aquifer** - An aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

**Conservation Easement** - A written agreement between a landowner and an organization such as a land trust. The conservation easement contains permanent restrictions on development, but the landowner retains ownership and possession of the property. Every conservation easement is tailored for the particular land and its conservation resources.

**CREP - Conservation Reserve Enhancement Program:** Offers eligible farmers annual rental payments and cost-share assistance to establish long-term, resource conserving covers on eligible land (administered through FSA).

**Cross-Acceptance** - The process through which local and county government have input into the state planning process, negotiating differences with the Office of State Planning.

**CSO - Combined Sewer Overflow:** A type of sewer system which provides partially separated channels for sanitary sewage and stormwater runoff.

**DCA - Department of Community Affairs:** The state agency which oversees local government activity, housing, finances, etc.

**DEP - NJDEP - Department of Environmental Protection:** The state agency charged with protection and preservation of natural resources and control of toxics in the natural environment.

**Donor (Donative) Intent** - The explicit or implied reason for with a donor gave money to an organization.

**DRBC - The Delaware River Basin Commission:** An intergovernmental agency charged with protecting, enhancing, and developing the water resources of the Delaware River Basin. Commission programs include water quality protection, water supply allocation, regulatory review (permitting), water conservation initiatives, watershed planning, drought management, flood control, and recreation.

**Dredge spoils** - Sediments, known as spoils, removed during dredging operations.

**DVRPC - Delaware Valley Regional Planning Commission** - The federally designated metropolitan planning organization for the Philadelphia region who works to foster regional cooperation in a nine-county, two-state area. Representatives from city, county and state agencies work together to address key issues, including transportation, land use, environmental protection, information sharing and economic development.

**Endowment** - Money donated to an organization, with the stipulation that it be invested, and the principal remain intact. This allows for the donation to have a much greater impact over a long period of time than if it were spent all at once, due to compound interest.

**EPA - Environmental Protection Agency:** The Federal body charged with responsibility for natural resource protection and oversight of the release of toxics and other threats to the environment.

**EQIP - Environmental Quality Incentives Program:** Provides assistance to install permanent measures or adopt new management strategies that address existing resource concerns on farms (through NRCS).

**ERI - Environmental Resource Inventory** - A listing and description of natural resources and general environmental characteristics of a given geographic area.

**Estuary**- A water body where salt and fresh water meet resulting in brackish water. These areas usually have associated marshlands and are critical nursery and feeding habitat for a variety of marine species.

**Eutrophication** - The process of overloading an aquatic system with nutrients that increase biological activity and usually result in lowered levels of dissolved oxygen. If severe or prolonged, it may kill submerged aquatic vegetation, fish and other aquatic life.

**Fee (Fee Simple)** - An ownership interest in property. The greatest interest that one can have in real property, being unqualified, of indefinite duration, freely transferable and inheritable.

**Floodplain** - The area along a river or stream that regularly floods. Much of the sediment is derived from the river itself.

**Floodway** - A term similar to floodplain although has been used to denote the path of floodwaters particularly when the floodplain has been developed and is no longer evident.

**Fluvial** - Of or pertaining to rivers.

**Form 990** - IRS Form 990 is an annual document used by approximately one-third of all public charities to report information about their finances and operations to the federal government.

**FRPP - Farm and Ranch Land Protection Program:** Provides federal dollars to support State, local and non-governmental organizations in farmland preservation efforts (through NRCS).

**FSA - The Farm Service Agency:** Administers and manages farm commodity, credit, conservation, disaster and loan programs as laid out by Congress through a network of federal, state and county offices.

**General permit** - A NJPDES permit authorizing a category of discharges within a geographic area. General permits include permits for similar types of discharges including, but not limited to, stormwater associated with industrial activity, non-contact cooling water, and car dealership car washes.

**GIS - Geographic Information System:** A collection of computer hardware, software, and geographic data for capturing, managing, analyzing, and displaying all forms of geographically referenced information.

**Green Acres** - The department at NJDEP that is responsible for preserving land throughout the State either directly or through grants to local governments and nonprofits.

**Groundwater** - That portion of water beneath the land surface that is within the saturated zone.

**GSPT -Garden State Preservation Trust** - The financing authority that provides the funds to preserve forests and meadows, watersheds and wildlife habitat, parks and sports fields, working farms, agricultural landscapes and historic structures. GSPT also funds the State's DEP Green Acres Program, which acquires land for state parks, forests and wildlife management areas, and also provides funding to local governments (county and municipal) as well as nonprofits (land trusts). Money for the farmland preservation program comes from the GSPT, as well as historic resource protection.

**Impervious Surface / Cover** - Any surface through which rainfall cannot pass or be fully absorbed such as roads, buildings, paved parking lots, sidewalks etc,)

**Installment Sale** - A tax motivated mechanism that defers the transfer of title and spreads the income from the sale over several years, thereby helping to reduce capital gains tax.

**Intermittent Stream** - A stream with a maximum flow of less than one tenth (0.1) cubic foot per second.

**Invasive Species** - An aggressively growing, non-native species that has the ability to displace native species and significantly alter native habitats.

**JBOC - Joint Budget Oversight Committee** - The joint committee of the New Jersey State Legislature that has the ability to redirect funds that were previously appropriated. In land trust work, to "Jay Bock" is the move Green Acres funding from one project area to another.

**Land Donation** - A real estate transaction in which the landowner, whether an individual, family partnership or corporation, gives a land trust title to their land through a deed. The land trust assumes ownership and management.

**Life Estate** - An interest in land, the term of which is limited to the life of a person.

**LIP – Landowner Incentive Program:** This program provides grants to States to protect and restore habitats on private lands, to benefit Federally listed, proposed or candidate species or other species determined to be at-risk.

**LTA - Land Trust Alliance** - National umbrella organization for land trusts that provides guidance and training for land trusts. LTA also actively lobbies Congress on behalf of the land trust community and established the Standards and Practices for land trust operations.

**LWCF - The federal Land and Water Conservation Fund:** A federal fund like the GSPT, that funds acquisition of lands to create or be added to federal lands, including national parks, forests, wildlife refuges and Bureau of Land Management lands ("public lands"). It also has/had a state component, providing matching funds to states for conservation and recreation purposes.

**Market Value** - The amount of money paid for a property offered on the open market for a reasonable period of time with both buyer and seller knowing all the uses to which the property could be put and with neither party being under pressure to buy or sell.

**Mitigation** - Process or projects replacing lost or degraded resources such as wetlands or animal habitat, at another location.

**MLUL - Municipal Land Use Law:** The legislative foundation of Planning Boards and Zoning Boards of Adjustment in the State of New Jersey. It defines the powers and responsibilities of boards and is essential to their functions and decisions

**MOA - Memorandum of Agreement** - A document written between parties to cooperatively work together on an agreed upon project or meet an agreed upon objective. The purpose of an MOA is to have a written understanding of the agreement between parties. The MOA can also be a legal document that is binding and hold the parties responsible to their commitment or just a partnership agreement.

**MOU - Memorandum of Understanding** - A legal document outlining the terms and details of an agreement between parties, including each parties requirements and responsibilities.

**N.J.A.C. - New Jersey Administrative Code:** The compilation of the administrative regulations which specify how these laws will be implemented.

**N.J.S.A. - New Jersey Statutes Annotated:** Contains the actual laws of New Jersey currently in effect.

**Non-point source pollution** - Pollution that does not come from a single outlet source. Lawn fertilizer traveling down a storm drain is a classic example.

**Non-profit corporation** - An organization incorporated under state laws and approved by both the state's Secretary of State and its taxing authority as operating for educational, charitable, social, religious, civic or humanitarian purposes. A non-profit corporation (also called "not for profit corporation") is formed by incorporators, has a board of directors and officers, but no shareholders. These incorporators, directors and officers may not receive a distribution of (any money from) profits, but officers and management may be paid reasonable salaries for services to the corporation. Upon dissolution of a nonprofit corporation its assets must be distributed to an organization existing for similar purposes under the "cy pres doctrine." In order for contributions to the corporation to be deductible as charitable gifts on federal income taxes, the corporation must submit a detailed application (with a substantial fee) for an Internal Revenue Service ruling that it is established for one of the specific nonprofit purposes spelled out in the Internal Revenue Code. Informational tax returns must be filed annually with the IRS and the state taxing body. In addition, the state Attorney General may have oversight powers to determine if the corporation is abiding by state laws by limiting its activities to its approved non-profit purposes and not milking the corporation for disguised profits.

**NRCS - Natural Resources Conservation Service:** Provides assistance to private landowners in the conservation and management of their soil, water, and other natural resources. Local, state and federal agencies and policymakers also rely on our expertise. We deliver technical assistance based on sound science and suited to a customer's specific needs. Financial assistance is also available in some cases. Participation in our programs is voluntary.

**NRD - Natural Resource Damages:** The dollar value of the restoration that is necessary to restore the injured resource and to compensate the citizens of the State for the injury to natural resources as a result of a discharge. The Department prefers that the person responsible for conducting the remediation will complete a Departmentally approved restoration plan in lieu of a cash payment.

**NRI - Natural Resource Inventory:** See ERI

**ONRR - Office of Natural Resources Restoration:** The State agency committed to the restoration of natural resources injured or destroyed by pollution.

**Option** - A written offer by a landowner to sell his or her property at a certain price to the land trust on a certain date. Land trusts often request options so that they can raise the necessary funds to buy the land.

**Outfall** - Any point source which discharges directly to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

**Payment In-lieu of taxes (PILOT)** - Payments that a municipality receives from the State that are directly related to the percentage of land that is preserved by either the State or a nonprofit in a given municipality.

**PDC - Pinelands Development Credit:** Development rights allocated to certain lands (sending areas) that can be transferred to increase the amount of residential development permitted on other lands (recovering areas).

**Phase I** - A cursory investigation of a property to determine if there is any suggestion of environmental contamination. This investigation is typically limited to a visual inspection and records review.

**Phase II** - An involved study of a suspected environmental problem to verify the problem's existence and extent.

**PIG - Planning Incentive Grant** - One of New Jersey's newer Farmland Preservation Programs, enables the State Agriculture Development Committee (SADC) to provide grants to eligible counties and municipalities to purchase development easements for permanent preservation of farmland in designated project areas.

**Pine Barrens** - The ecological region of New Jersey dominated by sandy, acidic soils and pitch pine forests.

**Pinelands** - The political region of the Pine Barrens that is under the jurisdiction of the Pinelands Commission

**Pinelands Commission** - The Pinelands Commission is comprised of 15 Commissioners - 7 appointed by the Governor of New Jersey; one appointed by each of the seven Pinelands counties; and one appointed by the U.S. Secretary of the Interior. The gubernatorial appointees are subject to the review and consent of the NJ Senate. Members of the Commission serve staggered three-year terms and are uncompensated for their service. Commissioners devote significant personal time to their Pinelands duties. The full Commission meets monthly. Additionally, like many legislative bodies, the Commission is divided into various committees, which also meet monthly. Members typically serve on two committees each. There are also regular public meetings ranging from public hearings on specific development projects and regulatory issues to forums and panel discussions on topical issues. Each of these responsibilities may require many hours of review and preparation, meetings with other agencies and stakeholders and consultation with Pinelands staff.

**Point source pollution** - Pollution from a single identifiable source. An outfall pipe from a factory is a classic example.

**PPA - Pinelands Preservation Alliance:** A non-profit group whose mission is to protect and Preserve the Resources of the New Jersey Pinelands.

**PSA - Preliminary Site Assessment:** The first phase in determining whether contaminants are present at the site. It consists of diligent inquiry of environmental records. This is the term that Green Acres uses for Phase I investigations.

**Remainder Interest** - An estate that will take effect after the termination of a prior interest, such as after a life estate.

**Restrictive Covenants** - Limiting future use of the property through recorded conditions or restrictions.

**Right-of-First-Refusal** - A recorded agreement that requires landowners, if they receive an offer to buy their land, to allow another entity, such as Green Acres, to match the offered price.

**Riparian** - Pertaining to the edge of a waterway

**Runoff** - The water that flows off the surface of the land and ultimately into streams and water bodies without being absorbed into the soil.

**SADC - State Agriculture Development Committee** - Leads in the preservation of New Jersey's farmland and promotes innovative approaches to maintaining the viability of agriculture. The SADC administers the Farmland Preservation Program, providing grants to counties, municipalities and nonprofit groups to fund the purchase of development easements on farmland; directly purchasing farms and development easements from landowners; and offering grants to landowners in the program to fund up to 50 percent of the cost of soil and water conservation projects. It also administers the Right to Farm Program, oversees the Transfer of Development Rights Bank, and operates the Farm Link Program, which helps connect farm owners with farmers seeking access to farmland and farming opportunities.

**Seasonal high water table** - The maximum level to which ground water will be normally expected to rise due to the effects of natural precipitation and infiltration of water.

**Secondary growth forest** - A reforested site that has repeatedly been denuded of trees. Typically refers to areas that have been farmed in the past and is now recovering a woody habitat. Plant community structure is often changed forever.

**Settlement** - The final transfer of a deed or conservation easement between the landowner and Green Acres at which the transfer documents are signed and the landowner receives compensation.

**Siltation** - Process by which loose soil is transferred and builds up in streams, rivers, and lake<sup>5</sup>, causing changes in stream channels and in depth. It may result in filling in all area and/or causing flooding.

**Silviculture** - the management of forest land for timber. This practice sometimes contributes to water pollution as in clear-cutting.

**SJLWT** - South Jersey Land & Water Trust

**Sludge** - The solid residue and associated liquid resulting from the physical, chemical or biological treatment of domestic or industrial wastewaters.

**Smart Growth** - Smart Growth is well-planned development that protects open space and farmland, revitalizes communities, keeps housing affordable and provides more transportation choices.

**Soil erosion and sediment control plan** - A plan which indicates land treatment measures, including a schedule of the timing for their installation, to minimize soil erosion and sediment in accordance with the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

**Sprawl** - Sprawl is irresponsible development that takes our tax dollars away from our communities and destroys farmland and open space. Sprawl generates more traffic, longer trips and more dependence on automobiles. As a result, sprawl results in more pollution, harming the environment and endangering public health.

**Standards and Practices** - The guiding document for the operation of land trusts that is produced by the Land Trust Alliance

**State Plan** - The State Development and Redevelopment Plan (SDRP). A relatively weak guidance document that is designed to coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination

**Stewardship Endowment** - A stewardship endowment is money put aside by a land trust to ensure that the organization has the capacity to monitor and manage its preserve properties and to enforce conservation easements in the future.

**Subsidence** - The lowering of the natural land surface in response to any of the following: earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of

solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in solids; or added load on the land surface.

**Surface water** - Water at or above the land's surface which is neither ground water nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands, and artificial waterbodies.

**Surface Water Quality Standards** - The rules at N.J.A.C. 7:9B which set forth, for the surface waters of the State, designated uses, use classifications, and water quality criteria, and the Department's policies concerning these uses, classifications and criteria.

**Survey** - A description and mapping of the metes and bounds that define a property's boundaries.

### **T&E - Threatened and Endangered Species**

**TDR - Transfer of Development Rights** - Transfer of developments rights (TDR) programs are designed to encourage a shift in growth away from agricultural, environmentally sensitive or open space regions of a municipality to more appropriate areas. Landowners in areas where land use is restricted are allowed to sell their development rights - or development credits. Purchasers of these credits then may use them to build elsewhere in a designated growth area at a higher density than is normally allowed in a town's zoning ordinance.

**Tidelands** - The land at or below mean high tide. In New Jersey, the ownership of this land lies with the State itself.

**Title Binder** - Statement of documents or facts appearing in public records which affect title to a property and setting forth conditions for insurance of the title policy.

**Title Insurance / Title Policy** - Insurance against loss or damage resulting from defects in title or enforcement of liens existing against property at time of issuance.

**TNC - The Nature Conservancy** - Works to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.

**TMDL - Total maximum daily load** - A TMDL is the sum of individual wasteload allocations for point sources, load allocations for nonpoint sources of pollution, other sources such as tributaries or adjacent segments, and allocations to a reserve or margin of safety for an individual pollutant.

**TPL -Trust for Public Land** - Is a national, nonprofit, land conservation organization that conserves land for people to enjoy as parks, community gardens, historic sites, rural lands, and other natural places, ensuring livable communities for generations to come.

### **USDA - United States Department of Agriculture**

**USGS** - The United States Geological Survey - A federal agency which provides mapping of topography, aquifer levels, and areas where aquifers are recharged.

### **UST - underground storage tank**

**Variance** - Permission granted to a landowner from a Municipality to proceed with some activity that is not in strict compliance with existing laws and ordinances.

**Vernal pool** - An area that is wet only part of the year, typically during the spring season. It is an important habitat for reproduction in many reptiles and amphibians

**Watershed** - The area that encompasses a stream or river that drains into it and supplies its water. It is usually defined by topography.

**Wetland** - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions commonly known as hydrophytic vegetation.

**WMA - Wildlife Management Area**

**WQM Plan - Water Quality Management plan**

**WRP - Wetlands Reserve Program:** The Wetlands Reserve Program is a voluntary program offering landowners the opportunity to protect, restore, and enhance wetlands on their property. The USDA Natural Resources Conservation Service (NRCS) provides technical and financial support to help landowners with their wetland restoration efforts.