

Subject: Lower Colombia Fields - Green Acres inquiry
Date: Monday, March 30, 2026 at 4:12:20 PM Eastern Daylight Time
From: Cadar, Oana [DEP]
To: Liza Viana
CC: Barbara Russo, Angela Lazzari
Attachments: NJAC 7.36-25 Green Acres Program - change in use, buildings, leases.pdf

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Good afternoon Ms Viana,

I am writing as the Compliance Officer for Union County's Green Acres program. Our office has received a resident inquiry concerning the Town's proposed artificial turf installation at Lower Columbia Fields.

While the use of turf is compliant with Green Acres regulations, this project might trigger a Change in Use review, as Block 1204 Lots 18 and 19 are listed on town's Recreation and Open space Inventory (ROSI).

Would it be possible to have your solicitor review the attached Change in Use public notice process to determine its applicability to this project, and reach out to us with a determination?

Additionally, during my review of these parcels, a question regarding property ownership came up.

Could you please confirm whether the Town holds this land in fee simple? Our records indicate a lease agreement with the Board of Education that expired in 2005, and we would appreciate clarification on when the Town acquired ownership from the BOE.

Thank you for your attention to this matter. Please feel free to contact me regarding this or any other Green Acres-related matter. I am available to assist as needed.

Have a great day and Happy Easter.

Oana Cadar

Compliance Officer | Office of Transactions and Public Land Administration
Public Land Compliance (PLC) Section
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executed, including a copy of the recorded deed or other instrument by which the transfer was accomplished; and

5. All notices and information required to be provided to the Department under (a)4 above shall be submitted to the following address:

New Jersey Department of Environmental
Protection
Green Acres Program
Bureau of Legal Services and Stewardship
PO Box 412
Trenton, New Jersey 08625

(b) If the transferor is a county, the county shall comply with the requirements of N.J.S.A. 40A:12-13.5, as applicable, prior to the transfer;

(c) Any transfer of parkland that does not comply with the requirements of this section is void and of no legal effect.

7:36-25.6 Change in purpose or use of funded or unfunded parkland

(a) A local government unit or nonprofit may change the recreation and conservation purpose or use for which funded or unfunded parkland is being used to another recreation or conservation purpose or use, including, but not limited to, development of the lands for public outdoor recreation, or construction by a local government unit of a building or other structure on unfunded parkland for public indoor recreation, in accordance with the following procedures:

1. The local government unit or nonprofit shall hold at least one public hearing on the proposed change in purpose or use at least 90 days prior to final approval of the change in purpose or use or proposed construction by the local government unit or nonprofit. The public hearing shall be held on a weekday in the evening in the municipality in which the parkland that is the subject of the proposed change in purpose or use is located. If the parkland is located in more than one municipality or the nonprofit is a regional nonprofit, the public hearing shall be held at a central location approved in advance by the Department within the county or region served by the local government unit or nonprofit. The local government unit or nonprofit shall produce a transcript of the public hearing for submission to the Department. The local government

unit or nonprofit shall provide public notice of the hearing as follows:

i. At least 30 days prior to the hearing, the local government unit or nonprofit shall:

(1) At its option, publish a legal notice of the hearing in the official newspaper(s) of the municipality(ies) in which the parkland is located and, if the local government unit is a county or the nonprofit is a regional nonprofit, also in a local newspaper of general interest and circulation;

(2) Post notice of the hearing on its official web site (if any) in the same manner as other public hearing notices are posted;

(3) Provide written notice of hearing to Green Acres, the governing body, planning board(s), environmental commission(s) and open space advisory committee(s) of the municipality(ies) in which the parkland is located, if any, and, if the local government unit is a county, also to the county governing body, county planning board, county environmental commission and county open space advisory committee, if any; and

(4) Post and maintain in a legible condition until the public comment period is concluded under (a)1iii(4) below, a sign on the parkland that is the subject of the proposed change in purpose or use or in other prominent location(s) approved by the Department. Such sign shall advise the public of the proposed change in purpose or use, the public hearing on the proposed change in purpose or use and the opportunity for public comment on the proposed change in purpose or use. Such sign shall be of sufficient size and visibility and contain sufficient detail as to inform the general public of the proposed change in purpose or use and the method by which the public may obtain information about such proposed change, and shall be subject to the Department's approval;

ii. At least 15 days prior to the hearing, the local government unit or nonprofit shall publish a display ad in the official newspaper(s) of the municipality(ies) in which the parkland that is the subject of the proposed change in purpose or use is located and, if the local government unit is a county or the nonprofit is a regional nonprofit, also in a local newspaper of general interest and circulation; and

iii. The notices and advertisements required under (a)1i and ii above shall include the following information:

(1) The name of the local government unit or nonprofit and the date, time and location of the public hearing;

(2) A general description of the proposed change of purpose or use;

(3) The street address (if available), municipality, county, tax map block and lot and size of the land(s) for which the change in purpose or use or construction is proposed; and

(4) A statement inviting participation in the public hearing and notifying the public that, in the alternative, written comments on the proposed change or purpose or use may be submitted to the local government unit or nonprofit during a public comment period that will end on the date that is two weeks after the hearing date. The statement shall provide an address for submittal of written comments to the local government unit or nonprofit and shall require that copies of any written comments also be sent to:

New Jersey Department of Environmental Protection
Green Acres Program
Bureau of Legal Services and Stewardship
PO Box 412
Trenton, New Jersey 08625-0412

2. Within 60 days of the close of the public comment period for any public hearing to be held under (a)1 above, the local government unit or nonprofit shall provide the Department with proof of publication of the notices of public hearing if any, required under (a)1i(1) above; proof of publication of the display ad required under (a)1ii above; a dated copy of the posting required under (a)1i(2) above (if applicable); copies of and proof of mailing of the notices required under (a)1i(3) above; and proof of the posting and maintenance of a sign as required under (a)1i(4) above;

3. Within 90 days after approving the proposed change in purpose or use or proposed construction, the local government unit or nonprofit shall provide the Department with written proof that one or more public hearings were held under (a)1 above, including a copy

of the transcript required by (a)1 above; and

4. Within 90 days after changing the purpose or use of the funded or unfunded parkland or commencing construction of a structure or building for public indoor recreation on unfunded parkland, the local government unit or nonprofit shall provide the Department with written notice of the change in purpose or use or of the commencement of construction.

(b) In addition to meeting the public notice and hearing requirements listed in (a) above, a local government unit or nonprofit must obtain the written approval of the Department before it may impose any perpetual restriction, such as, but not limited to, a deed restriction, covenant or easement, on funded parkland to prohibit the development or use of the parkland for one or more recreation purposes.

(c) For the purposes of this section, a change in recreation and conservation purpose or use of parkland shall include:

1. The construction of recreation and conservation facilities, such as athletic fields or playgrounds, on undeveloped parkland or an undeveloped portion of parkland;

2. On funded parkland, the conversion of buildings originally acquired or constructed in support of recreation and conservation purposes to indoor recreation uses or purposes; and

3. The imposition of restrictions, through regulation, ordinance or other legal mechanism, intended to prohibit the development or use of funded or unfunded parkland for one or more recreation purposes. The imposition of perpetual restrictions on funded parkland also requires written Department approval under (b) above.

(d) For the purposes of this section, a change in recreation and conservation purpose or use of parkland shall not include:

1. The replacement of existing recreation and conservation development or facilities with development or facilities for another recreation and conservation purpose or use, or the renovation or repair of existing facilities, as long as such replacement, renovation or repair involves less than one-quarter acre of additional permanent disturbance of parkland;

2. The use of an existing structure on funded or unfunded parkland for another recreation or conservation

purpose, as long as no expansion of the structure is proposed;

3. The construction of additional support structures, such as bleachers, concession stands, picnic shelters or lighting towers, within the boundary of an existing developed recreation area, in order to enhance the existing purpose or use of that area;

4. Use of undeveloped parkland for short-term events such as festivals, carnivals or parades;

5. Implementation of natural resource management techniques and activities on funded or unfunded parkland, such as deer management, fishing controls or invasive species controls; or

6. The construction of recreation and conservation facilities identified by the local government unit or nonprofit in an approved application for Green Acres funding for acquisition or development of parkland.

(e) The notices and public hearing required pursuant to this section may be combined by the local government unit with public notices and hearings conducted for approval of a municipal or county master plan, parkland site master plan, municipal or county park master plan, application for municipal or county open space funding or approval of a municipal or county budget, as long as such notices and hearing comply with the requirements of this section.

(f) In addition to satisfying the requirements of this section, the local government unit or nonprofit shall obtain all other applicable Federal, State, county or local approvals for the proposed change in recreation and conservation purpose or use of parkland.

7:36-25.7 Construction of buildings on funded parkland; use of existing buildings on funded parkland

(a) A local government unit or nonprofit shall not construct a building on funded parkland unless the building directly supports the use of the funded parkland for recreation and conservation purposes, the local government unit or nonprofit complies with the change in use procedures at N.J.A.C. 7:36-25.6 (as applicable), and the local government unit or nonprofit obtains prior approval from the Department in accordance with (b) and (c) below or as part of a Green Acres-funded development project under N.J.A.C. 7:36-13.3 or 23.3. Buildings that are considered to directly support the use

of parkland for recreation and conservation purposes and that may be constructed under this section include, for example; park equipment storage sheds, restrooms, concession stands, locker rooms, interpretive centers, park administration offices, and maintenance facilities for the parkland.

(b) A local government unit or nonprofit seeking the Department's approval of the proposed construction of a building on funded parkland shall, at least 90 days before approval of the proposed construction by its governing body, submit to Green Acres a written request for approval of the proposed construction. The request shall include a statement of the purpose of the construction, a narrative description of the proposed construction, a site map, and a conceptual drawing of the building (with interior dimensions and uses labeled).

(c) The Department shall notify the local government unit or nonprofit in writing of its approval or disapproval of the proposed construction within 60 days of Green Acres' receipt of the request or shall request more information from the local government unit or nonprofit. Any approval issued by the Department under this subsection may include conditions as appropriate to protect the natural resource values and recreation functionality of the funded parkland, to preserve public access to the funded parkland and to minimize adverse impacts to adjacent properties.

(d) The local government unit or nonprofit may use a portion of any building constructed on funded parkland under this section for public indoor recreation activities, such as arts and crafts and games (including court games), or as a public meeting or multipurpose space, provided the primary use of the building directly supports the use of the funded parkland for recreation and conservation purposes. The use of the building for public indoor recreation activities or public meeting or multipurpose space shall take up no more than 25 percent of the square footage of the building.

(e) A local government unit or nonprofit may construct a structure to enclose an outdoor swimming pool or ice skating rink that existed as of January 3, 2006, subject to the following:

1. The local government unit or nonprofit shall comply with the change in use procedures at N.J.A.C. 7:36-25.6;
2. The local government unit or nonprofit shall obtain the prior approval of the Department under (b) above;
3. Construction of additional facilities as part of the

structure, such as space for other recreation and conservation activities, space for activities in support of the swimming pool or ice skating rink or space for activities in support of the parkland parcel on which the swimming pool or ice skating rink is located, shall be subject to the Department's review and approval under (a) through (d) above; and

4. Structures approved by the Department under this subsection are not eligible for Green Acres funding.

(f) A local government unit or nonprofit may use a building that existed on funded parkland at the time of receipt of Green Acres funding as a new community center, recreation center or museum, provided the local government unit or nonprofit complies with the change in use procedures at N.J.A.C. 7:36-25.6 and obtains the prior written approval of the Department under (f)1 and 2 below.

1. A local government unit or nonprofit seeking the Department's approval of the use of a building that existed on funded parkland at the time of receipt of Green Acres funding as a new community center, recreation center or museum shall, at least 90 days before the anticipated change in use, submit to the Department a written request for approval of the use, a narrative description of the intended use, a site map, and a conceptual drawing of the building (with interior dimensions and uses labeled).

2. The Department shall notify the local government unit or nonprofit in writing of its approval or disapproval of the proposed use within 60 days of its receipt of the request or shall request more information from the local government unit or nonprofit. In determining whether to issue such approval, the Department shall give particular consideration to whether alternative uses of the building that support recreation and conservation purposes may be reasonably implemented by the local government unit or nonprofit and whether the use of the building as proposed will have a significant adverse impact on the use of the surrounding parkland by the public. Any approval issued by the Department under this subparagraph may include conditions as appropriate to protect the natural resource values and recreational functionality of the funded parkland, to preserve public access to the funded parkland, and to minimize adverse impacts on adjacent properties.

(g) A local government unit or nonprofit may use a building that existed on funded parkland as of the time of

receipt of Green Acres funding as a caretaker or park employee residence under a lease or other agreement approved in advance by the Department under N.J.A.C. 7:36-25.13.

7:36-25.8 Construction of buildings on unfunded parkland; use of buildings on unfunded parkland

(a) A local government unit shall not construct a building on unfunded parkland unless the building directly supports the use of the parkland for recreation and conservation purposes or is to be used for public indoor recreation as defined at N.J.A.C. 7:36-2.1, and the local government unit complies with the change in use procedures at N.J.A.C. 7:36-25.6 (as applicable).

(b) A local government unit may use a building that existed on unfunded parkland as of the time of receipt of Green Acres funding as a new community center, recreation center or museum, provided the local government unit or nonprofit complies with the change in use procedures at N.J.A.C. 7:36-25.6.

(c) A local government unit may use a building that existed on unfunded parkland as of the time of receipt of Green Acres funding as a caretaker or park employee residence under a lease or other agreement approved in advance by the Department under N.J.A.C. 7:36-25.13.

7:36-25.9 Fees for use of funded parkland and recreation and conservation facilities on funded parkland

(a) A local government unit or nonprofit may establish a fee schedule for the use of funded parkland or for the use of recreation and conservation facilities on funded parkland, provided that the fees conform with (b) and (c) below.

(b) The fees shall not be so excessive as to discourage reasonable public access.

(c) The fees may be established in the following categories:

1. Yearly, seasonal, monthly, weekly, daily, single use or hourly. However, if the local government unit or nonprofit establishes yearly, seasonal, monthly and/or weekly fees, it shall also establish daily or single use fees;

2. Individual, group, team or family;

3. Local government unit resident or non-resident. However, the fee charged to a non-resident who lives in

the State shall not be greater than two times the fee charged to a local government unit resident;

4. Handicapped, senior citizen, youth or student; and

5. Nonprofit, for profit or corporate.

(d) A local government unit or nonprofit shall use any fees it collects for the use of funded parkland or a recreation and conservation facility on funded parkland for operating, maintenance, or capital expenses related to its funded parkland or to its recreation program as a whole. A local government unit shall establish a separate account to serve as a repository for the fees, if permitted to do so by law.

(e) The Department reserves the right to request that an audit be conducted and an audit report submitted in conformance with the Single Audit Act of 1984, P.L. 98-502 and the Single Audit Act Amendments of 1996, P.L. 104-156 (31 U.S.C. § 7501 et seq.), Federal Office of Management and Budget (OMB) Circular A-133: "Audits of States Local Governments, and Non-Profit Organizations," incorporated herein by reference, and State OMB Circular 04-04: "Single Audit Policy for Recipients of Federal Grants, State Grants, and State Aid," incorporated herein by reference, showing the use of collected fees.

(f) The Department shall review and approve or disapprove fee schedules established under this section and the management and use of the fees collected as part of its inspection of funded parkland under N.J.A.C. 7:36-25.1(c). The Department may also investigate the establishment, management and use of fees for funded parkland in response to complaints from the public about noncompliance with this section. The Department reserves the right to request additional information and justification if a fee appears to be based on a category other than those allowed under (c) above or to be excessive when compared with fees charged at similar facilities, or if the use of fees appears to fail to conform to (d) above. The failure of a local government unit or nonprofit to correct an instance of fee noncompliance identified by the Department by the deadline specified by the Department may, pursuant to N.J.A.C. 7:36-9.1 or 14.1, render the local government unit ineligible to receive a disbursement of Green Acres funding or, pursuant to N.J.A.C. 7:36-20.1 or 24.1, the nonprofit ineligible to receive a disbursement of Green Acres funding. The Department may also initiate legal or other action as appropriate to enforce this chapter, the Green Acres laws, and/or the terms and conditions of the

original project agreement under which the local government unit or the nonprofit received Green Acres funding.

7:36-25.10 Public access to and use of funded parkland

(a) A local government unit or nonprofit shall ensure that funded parkland is open and that reasonable public access, as determined by the Department, is afforded to all New Jersey residents.

(b) A local government unit or nonprofit that intends to close an area of funded parkland to public access or use for more than 30 days in order to protect public safety, conduct routine maintenance, or protect a specific natural or cultural resource shall notify Green Acres in writing in advance of the closure. The local government unit or nonprofit shall post a sign at the area being closed that states the reason for the closure and, if known, the date of anticipated reopening of the area.

(c) A local government unit or nonprofit may schedule the use of a recreation and conservation facility to accommodate organized sports or other recreation or conservation purposes. However, the local government unit or nonprofit shall not schedule the use of a facility in such a way that the public is denied reasonable access to or use of the facility, and the local government unit or nonprofit shall provide public access to another comparable facility for the period for which access to the recreation and conservation facility is scheduled.

(d) A local government unit or nonprofit shall not enter into exclusive use agreements or allow discriminatory scheduling of the use of the funded parkland or its recreation and conservation facilities based on residency or otherwise in violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., or other applicable law.

(e) If yearly or seasonal rentals, reservations, memberships or permits are offered for the use of recreation and conservation facilities on funded parkland, such as marina slips, swimming pools, ice rinks, tennis courts, golf courses, or athletic fields, and the demand for such rentals, reservations, memberships or permits exceeds the available supply, the local government unit or nonprofit shall:

1. Conduct a fair and equitable system to distribute the rentals, reservations, memberships or permits;

2. Limit the time period for rentals of marina slips to a maximum of five years;

3. Limit the time period for other rentals, reservations, memberships or permits to a maximum of two years; and

4. Provide for daily or one-time use of the facilities as required under N.J.A.C. 7:36-25.9(c).

(f) The local government unit or nonprofit shall post at the funded parkland or facility the conditions and fees, if any, for its use or a telephone number and a web address (if available) by which a user may obtain information about those conditions and fees. If the local government unit or nonprofit charges fees or requires permits or reservations for access to recreation and conservation facilities on funded parkland, it shall provide for reasonable public access to available facilities during non-business hours. Such access may be provided by allowing access on a first-come first-served basis, providing automated fee collection or other reasonable method. For the purposes of this paragraph, "reasonable public access" shall not include or require access to facilities, such as golf courses and swimming pools, that require operation by employees or representatives of the local government unit or nonprofit in order to function properly or to protect the public health, safety or welfare.

7:36-25.11 Fees for use of unfunded parkland and recreation and conservation facilities on unfunded parkland; public access to and use of unfunded parkland

A local government unit shall ensure that undeveloped unfunded parkland is open and reasonable public access is afforded to all New Jersey residents. A local government unit that operates or develops a recreation and conservation facility on unfunded parkland without Green Acres funding may adopt fees and schedule the use of that facility at its discretion.

7:36-25.12 Posting of signs on funded parkland

(a) The Department shall provide each local government unit or nonprofit that is awarded Green Acres funding for the acquisition of parkland or the development of parkland or a recreation and conservation facility on parkland with one or more signs that identify the parkland or facility as a Green Acres funded site dedicated to permanent recreation and open space. The local government unit or nonprofit shall post the sign(s) in a prominent place or places on the funded parkland or, as applicable, at the recreation and conservation facility, and shall maintain such sign(s).

(b) If a local government unit or nonprofit receives approval to divert or dispose of funded parkland under the procedures at N.J.A.C. 7:36-26, the local government unit or nonprofit shall relocate the sign identifying the parkland and/or recreation and conservation facility as a Green Acres funded site to the replacement land and/or recreation and conservation facility approved by the Commissioner and the State House Commission.

(c) Except as provided in (a) and (b) above, the local government unit or nonprofit shall not post temporary or permanent signs on funded parkland, except:

1. The park closure sign(s) required under N.J.A.C. 7:36-25.10(b);

2. The Green Acres construction sign(s) required under N.J.A.C. 7:36-14.4 or 24.4;

3. Signs that acknowledge sponsors of or contributors to the acquisition or development of the parkland, donors of equipment or services in support of the operation and/or maintenance of the parkland or recreation and conservation facility(ies), or other entities that conduct activities on behalf of the parkland, including the managing agency for the parkland;

4. Signs which describe or enhance the use of parkland for recreation and conservation purposes, including, but not limited to, signs identifying the park and any facilities within the park, park entrance, interpretive and directional signs, historic markers, property boundary signs, hazard warning signs, "no hunting" signs or other similar signs;

5. Commemorative or memorial signs or plaques; and

6. Public hearing notice signs required under this chapter.

7:36-25.13 Leases, use agreements, or concession agreements for recreation and conservation purposes on funded or unfunded parkland

(a) If a local government unit or nonprofit seeks to enter into or to renew a lease, or use agreement which would support or promote the use of funded parkland or a recreation and conservation facility on the funded parkland for recreation and conservation purposes, the local government unit or nonprofit shall submit the proposed lease or agreement to the Department for approval at least 45 days before it intends to execute the lease or agreement.

Any such lease or use agreement that is executed without the Department's approval is void and of no legal effect.

(b) The lease or agreement shall:

1. Be awarded in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Local Land and Building Law, N.J.S.A. 13:12-1 et seq. and N.J.A.C. 7:36-25.6, as applicable;

2. Describe the specific use to which the parkland or facility will be put during the term of the lease or agreement and explain how this use will promote the use of funded parkland for recreation and conservation purposes;

3. Require that the public shall have reasonable access during the term of the lease or agreement to the parkland or facility which is the subject of the lease or agreement;

4. Establish the initial term of the lease or agreement pursuant to the following:

i. The lease or agreement shall provide for an initial term of no more than five years, or for good cause shown (such as the proposed construction of substantial capital improvements by the lessee or parkland user, provide for a longer initial term of less than 25 years; or

ii. The lease or agreement may provide for an initial term of 25 years or more; however, a term of 25 years or more shall be deemed to constitute a conveyance of parkland and requires the approval of the Commissioner and the State House Commission under N.J.A.C. 7:36-26;

5. Establish that the local government unit or nonprofit may, subject the approval of the Department at the end of the initial term and each additional term, renew the lease or agreement at the end of the initial term and thereafter for additional terms. Any renewal term shall be for no more than five years, or for good cause shown less than 25 years, unless a longer renewal term is approved by the Commissioner and the State House Commission in accordance with N.J.A.C. 7:36-26. The Department shall evaluate a request for renewal of a lease or agreement under the substantive standards for lease approval at (d) below;

6. Specify the payment, rental, or other consideration to be paid by the lessee or parkland user to the local

government unit or nonprofit for the lease or use of the parkland;

7. Require that the lessee or parkland user comply with the lease, the applicable requirements of this subchapter, and any deed restrictions pertaining to the parkland;

8. Specify that any activities conducted on parkland under the lease or agreement are governed by the requirements of this chapter, the lease and any deed restrictions pertaining to the parkland;

9. Require the lessee or parkland user to name the Department as an additional insured under any insurance policy required by the lease or agreement, such that the Department shall have in all respects at least the same protections as the policy provides to the lessee, parkland user, local government unit or nonprofit; and

10. If the parkland is to be leased or used for agriculture, require that:

i. The parkland shall be farmed using management practices that conserve soil and water, such as those agricultural management practices approved by the State Agriculture Development Committee under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and that minimize the use of herbicides, pesticides, and fertilizers in accordance with the Pesticide Control Code at N.J.A.C. 7:30;

ii. Any forests on the parkland to be leased or used shall be managed in accordance with the New Jersey Forestry and Wetlands Best Practices Manual; and

iii. The agricultural use of the parkland shall not adversely impact any documented occurrence of a threatened, endangered, or rare species or the habitat of such species.

(c) If the use of the parkland under the proposed lease or agreement will have an adverse impact on the natural resource values of the parkland, the local government unit or nonprofit shall require that the person seeking the lease or agreement propose a compensatory mitigation plan. If the plan is accepted by the local government unit or nonprofit and approved by the Department, implementation of the plan shall be included as a mandatory condition of the lease or agreement. The Department will not approve any lease or agreement, or a renewal thereof, under this subsection unless:

1. It is satisfied with the character, quality and extent

of the mitigation and restoration proposed by the local government unit or nonprofit and the commitment of the lessee, or parkland user to implement the plan; or

2. The proposed lease or agreement is approved as a diversion or disposal of parkland by the Commissioner and the State House Commission in accordance with N.J.A.C. 7:36-26.

(d) The Department will consider the following factors in determining whether to approve or deny a lease or use agreement, or a renewal thereof, under this section:

1. Whether the lease was awarded in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Local Land and Buildings Law, N.J.S.A.13:12-1 et seq. and N.J.A.C. 7:36-25.65, as applicable;

2. Whether the lease or agreement will sufficiently promote or support recreation or conservation purposes;

3. Whether the lease or agreement will provide reasonable public access to the funded parkland;

4. Whether the lease or agreement complies with the requirements of (b) and (c) above;

5. Whether the lease or agreement will provide sufficient compensation (payment, rental or other consideration) for allowing the proposed use of the parkland or a facility on parkland;

6. If the lease or agreement would have a term of 25 years or more or would otherwise constitute a diversion or disposal of parkland, whether the lease or agreement has received prior approval of the Commissioner and the State House Commission in accordance with N.J.A.C. 7:36-26;

7. If the lease or agreement would have an adverse impact on the natural resource values of the parkland, whether the lease or agreement includes a compensatory mitigation plan which would adequately compensate for the adverse impact and/or adequately restore the parkland; and

8. With respect to renewals, in addition to (d)1 through 7 above:

i. Whether the lessee or parkland user failed to meet one or more terms of the prior lease or

agreement or to demonstrate sound administrative or management practices;

ii. If the lessee or parkland user is seeking a renewal term of more than five years, whether the local government unit or nonprofit has shown good cause for the lessee's, parkland user's holding or continuing to hold a long term lease; or

iii. Whether the local government unit or nonprofit used compensation (payments, rentals or other consideration) it received under the prior lease or agreement for purposes other than those allowed under (e) below.

(e) A local government unit or nonprofit that enters into a lease or use agreement under this section shall use any payments, rentals, or other consideration it receives under the lease or agreement for operating, maintenance, or capital expenses related to its funded parkland or to its recreation program as a whole.

(f) A local government unit or nonprofit may operate a recreational facility on funded parkland through a concession agreement awarded by competitive bidding in accordance with applicable law. The concessionaire shall pay any payments or rentals collected directly to the local government unit or nonprofit, who shall use such payments or rentals for operating, maintenance or capital expenses related to its funded parkland or its recreation program as a whole.

(g) A local government unit may enter into or renew a lease or use agreement which would promote or support the use of unfunded parkland for recreation and conservation purposes without the prior approval of the Department, provided the lease or use agreement complies with the requirements of (b) through (e) above. At its option, the local government unit may submit the lease or use agreement to the Department for review and approval. A copy of any lease or use agreement executed by a local government unit under this subsection shall be made available to the Department upon its request. Any lease or agreement executed by a local government unit under this subsection that does not comply with (b) through (e) above is void and of no effect.

7:36-25.14 Leases or use agreements regarding funded or unfunded parkland for purposes other than recreation and conservation

(a) If a local government or nonprofit unit seeks to enter into or to renew a lease or use agreement which would