

A photograph of a freshwater wetland landscape. The foreground is dominated by a body of water reflecting the sky. In the middle ground, there is a dense area of tall, golden-brown reeds or grasses. The background features a line of green trees under a clear blue sky. Bare tree branches are visible in the upper corners of the frame.

Freshwater Wetlands

Land Use Regulation Freshwater Wetland Program

<http://www.state.nj.us/dep/landuse/fww.html>

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BEFORE YOU BUY - BEFORE YOU BUILD

Are you considering buying undeveloped land? Building a home, a retail center, or marina? How about putting in a driveway or an addition to your house? In every case, the presence of wetlands may affect where and whether you buy, build, or develop. In New Jersey and throughout the United States, wetlands are protected on public and private property.

New Jersey protects wetlands under the New Jersey Freshwater Wetlands Protection Act, N.J.S.A. 13:9B. This law also protects transition areas or "buffers" around freshwater wetlands. New Jersey also protects coastal wetlands under a different law. See the pamphlet entitled Guide to New Jersey's Coastal Permitting Program if you are in a coastal area and think you may have coastal wetlands on your property.

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WHAT ARE WETLANDS?

Wetlands are commonly referred to as swamps, marshes, or bogs. However, many wetlands in New Jersey are forested and do not fit the classic picture of a swamp or marsh. Previously misunderstood as wastelands, wetlands are now being recognized for their vital ecological and socioeconomic contributions.

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WHAT'S SO GOOD ABOUT WETLANDS?



Fresh Water Wetlands Protection Act Rules

<http://www.state.nj.us/dep/landuse/7-7a.pdf>

NJDEP Freshwater Wetlands Rules N.J.A.C. 7:7A Effective 10/20/03
Note: this is a courtesy copy of the freshwater wetlands rules. The official version is in the New Jersey Administrative Code (N.J.A.C.). Should there be any discrepancies between this courtesy copy and the official version, the official version will govern.

New Jersey Department of Environmental Protection Freshwater Wetlands Protection Act Rules N.J.A.C. 7:7A

*For more information about NJDEP's freshwater wetlands program, see
www.state.nj.us/dep/landuse*

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What's so great about wetlands?

- Wetlands protect drinking water by filtering out chemicals, pollutants, and sediments that would otherwise clog and contaminate our waters.
- Wetlands soak up runoff from heavy rains and snow melts, providing natural flood control.
- Wetlands release stored flood waters during droughts.
- Wetlands provide critical habitats for a major portion of the State's fish and wildlife, including endangered, commercial and recreational species.
- Wetlands provide high quality open space for recreation and tourism.

WHY DO WETLANDS NEED PROTECTION?

Over the last two hundred years, the United States has lost over 117 million acres of its wetlands.

Erosion, flooding, and sedimentation has resulted. Furthermore, the decrease in wetlands has decreased populations of waterfowl, fish, and shellfish. With over 54 percent of the total wetlands in the continental United States already lost, and an additional 200,000 acres disappearing every year, protecting our remaining wetlands has become a critical national priority.

Freshwater Wetlands Act

N.J.S.A 13:9B

The freshwater Wetlands Protection Act requires the NJ DEP to regulate virtually all activities proposed in the wetland, including cutting or killing of vegetation, dredging, excavation or removal of soil, drainage or disturbance of the water level, filling or discharge of any materials, driving of pilings, and placing of obstructions.



WETLANDS: Commonly referred to as swamps, marshes, “low spots” or bogs. However, many wetlands in NJ are forested and do not fit the “classic” picture of a swamp or marsh. For example, with sandy soils, water may rarely break the surface and not appear swampy at all.



A photograph of a wetland area. The scene is filled with dense green vegetation, including trees and a prominent fallen log in the foreground. The background shows more trees and a slightly elevated area. The overall lighting is bright, suggesting a sunny day.

Wetland Identification

Wetland identification is very complex and requires that the hydrology, wetland soils and wetland vegetation be identified.

Freshwater Wetland Regulations

Applies to the entire
state of New Jersey
except:

- Coastal Wetlands that
were not mapped
under the Wetlands
Act of 1970



Wetlands are Classified by Value

- - **Exceptional resource value: 150' buffer**
 - Threatened or endangered species habitat
 - FW1 or FW2 trout production waters
 - **Intermediate resource value: 50' buffer**
 - Anything not exceptional or ordinary
 - **Ordinary resource value: 0' buffer**
 - Small, isolated and more than 50% surrounded by development
 - Ditch or swale
 - Detention basin originally dug in uplands

Seasonal Conditions

In some seasons, it may be difficult to determine the resource value of a wetland. In this case, an application will be given the choice of accepting an exceptional resource value determination, or wait until accurate resource value can be determined.



WHAT IF MY LAND CONTAINS FRESHWATER WETLANDS?

If your land contains freshwater wetlands, you are very limited in what you may do in the wetlands.

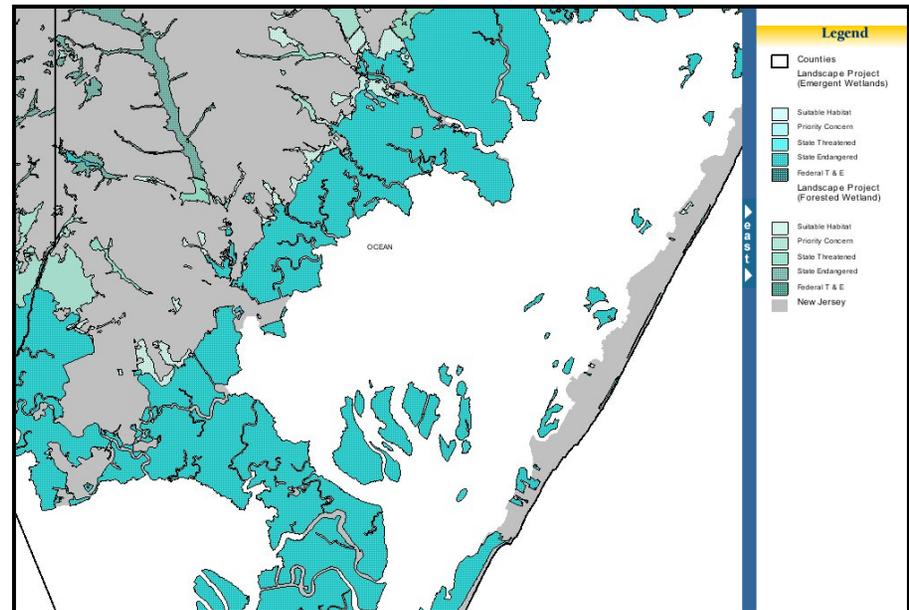
The most common type of freshwater wetlands permit is a general permit. General permits cover a limited number of very minor activities, such as:

- repair of existing structures
- short roads or driveways
- docks
- utility lines
- stream bank stabilization
- septic system repair



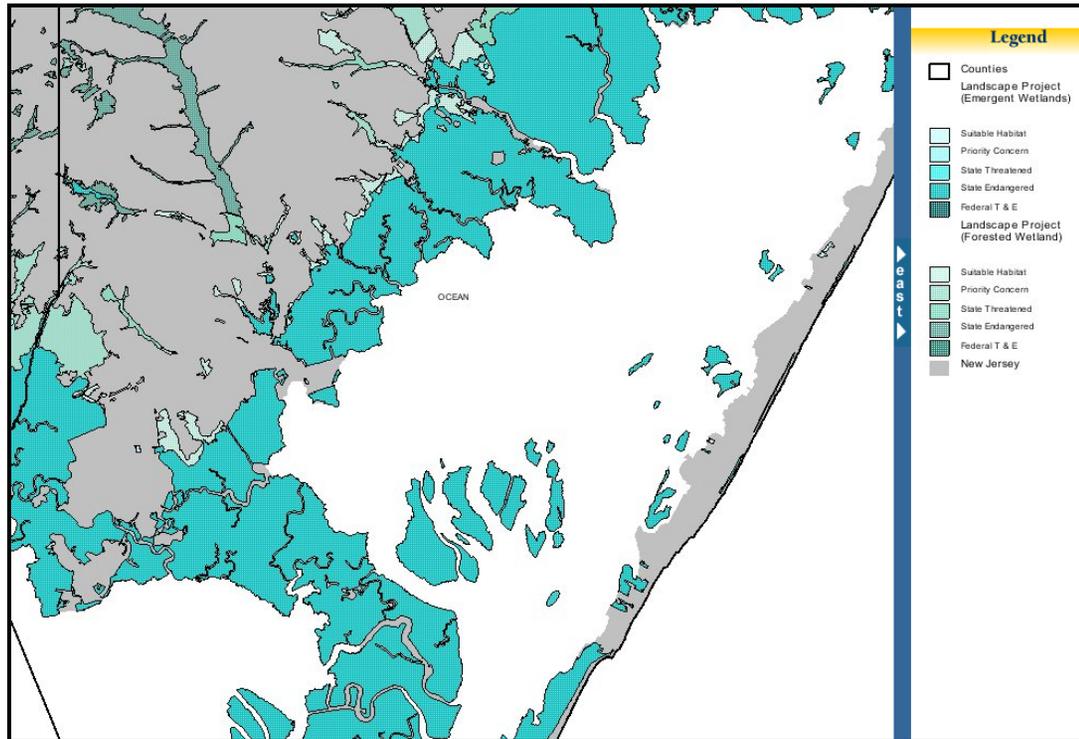
Wetland Maps

Wetland maps are available at the municipal clerks' office and county clerks' office. They can also be obtained through DEP's Maps and Publications Office at (609) 777-1038 or through the I-map service through the DEP:



<http://www.state.nj.us/dep/gis/depsplash.htm>

Wetland Maps



****NJ Wetland Maps provide guidance on where wetlands are found, but they are not the FINAL word. Only an official determination for DEP called an LOI or Letter of Interpretation can be used as a final determination ****

Letters of Interpretations (LOI)

<http://www.state.nj.us/dep/landuse/forms/chkloi.pdf>

A LOI can tell for sure if you have freshwater wetlands on your property.



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Bradley M. Campbell
Commissioner

FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI) APPLICATION CHECKLIST AND FEE TABLE (updated 2/23/2005)

This checklist is for all LOIs. The Department issues the following three types of LOIs:

1. A presence/absence LOI for a site or on a portion of a site (also called a footprint of disturbance LOI). See N.J.A.C. 7:7A-3.2 for a detailed description of this LOI;
2. A line delineation LOI for a site under one acre. See N.J.A.C. 7:7A-3.3 for a detailed description of this LOI; and
3. A line verification LOI. See N.J.A.C. 7:7A-3.4 for a detailed description of this LOI.

To complete this checklist, you will need:

Attachment A: Form letter for providing certified mail notice of an application

NOTE: Please provide only one copy of each item listed on the checklist, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of the freshwater wetlands rules. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site, if the contract is contingent on the issuance of a freshwater wetlands permit. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out a project on the property. This person should be identified in the application as the agent.

NOTE: After the Department has reviewed an application for a line verification LOI, or a line delineation LOI, the applicant must submit a survey of the wetlands and/or open waters boundary. The Department will then include the survey of the approved boundary in the issued LOI. The Department will not issue the LOI until the survey is submitted.

NOTE: If any portion of this site is known or suspected of having any contamination the applicant shall provide any and all information regarding said contamination to this office with the associated letter of interpretation application.

APPLICATION REQUIREMENTS:

3 purposes of an LOI

- Determine if freshwater wetlands, transition areas and/or State open waters are present.
- Determine the boundaries of freshwater wetlands, transition areas and/or State open waters.
- Establish Resource value(s) of freshwater wetlands.

Types of LOIs

- **Presence/Absence**

Department determines if Fresh Water Wetland (FWW) and/or Transition Area (TA) or State open Waters(SOW) exist on site

- **Footprint of Disturbance**

Department determines if FWW, SOW and/or TA on a portion of site (maximum of one acre)

- **Line Delineation**

Department delineates FWW , SOW and/or TA

- **Line Verification**

Department confirms or modifies a delineation proposed by applicant

LOI Line Verification

A LOI line verification is required when a property is 1 acre or larger. Line Verifications are issued for the following reasons:

- A municipal tax lot no larger than the “site”
- For larger sites the DEP will verify a wetland line on only a portion of the property if:
 - The site is publicly owned
 - The site is larger than 10 acres
 - The portion is one acre or smaller
 - Portion is clearly marked on plan/ground

LOI Effect and Duration

- The Division of Land Use Regulation may change the resource value classification if T&E species habitat is disclosed or discovered after the LOI is issued or if the surface water quality standards change
- If additional wetlands are identified after LOI issuance, the LOI may be revised



LOI Extension

<http://www.state.nj.us/dep/landuse/forms/chkloiex.pdf>



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FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI) EXTENSION

APPLICATION CHECKLIST AND FEE TABLE (updated 7/01/03)

This checklist is to be used for an extension to an LOI. Rules governing LOI extensions can be found at N.J.A.C. 7:7A-3.6.

To complete this checklist, you will need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

NOTE: Please provide only one copy of each item listed on this checklist, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

Freshwater Wetland Exemptions

- Limited exemptions for existing farming, ranching, or forestry operations.
- The Hackensack Meadowlands Development Area is exempt from the DEP wetlands program, but require permits from the Army Corps of Engineers or the Hackensack Meadowlands Development Commission.
- Wetlands disturbances in the Pinelands are permitted through the Pinelands Commission (except for the discharge of dredged or fill materials)

A transition area is a strip of land surrounding each wetland. They:

- Buffer the wetlands from human activities
- Provide refuge for wildlife
- Act as a filter for stormwater flowing into a wetland



Wetland Buffers

If you want to pursue activities in an area within 150 feet of a wetland, you may be in a transition area (sometimes called a buffer) and you may need a DEP transition area waiver.

The width of the transition area may vary from 150 feet down to nothing, depending on the resource value of the particular wetlands determined by DEP.



Buffers

For example, a wetland containing endangered species habitat would require a 150 foot wide transition area, whereas a small wetland in a ditch might not require any transition area at all. Most freshwater wetlands require a 50-foot transition area.

Common Problems:

- Fences in Wetlands & Transition Area
- Tree Cutting in a Wetlands or Transition Area
- Transition Area - Normal Property Maintenance



Transition Area Waivers

<http://www.state.nj.us/dep/landuse/forms/chktaw.pdf>

- Changes the shape or size of the transition area

OR

- Allows regulated activities within the transition area



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FRESHWATER WETLANDS INDIVIDUAL TRANSITION AREA WAIVER APPLICATION CHECKLIST AND FEE TABLE (updated 07/21/03)

This checklist is to be used to apply for an individual transition area waiver. If a transition area disturbance can be covered by a general permit, use the application checklist for that general permit.

The Department issues the following types of individual transition area waivers:

1. Averaging plan transition area waiver (see N.J.A.C. 7:7A-6.2);
2. Special activity transition area waiver for stormwater management (see N.J.A.C. 7:7A-6.3(d));
3. Special activity transition area waiver for linear development (see N.J.A.C. 7:7A-6.3(e));
4. Special activity transition area waiver for redevelopment (see N.J.A.C. 7:7A-6.3(f));
5. Special activity transition area waiver for activities eligible for an individual freshwater wetlands permit (see N.J.A.C. 7:7A-6.3(g));
6. Matrix type width reduction transition area waiver (see N.J.A.C. 7:7A-6.4); and
7. Hardship transition area waiver (see N.J.A.C. 7:7A-6.5).

To complete this checklist, you will need the following attachments:

- Attachment A: Form letter for providing certified mail notice of an application
- Attachment B: Form for providing newspaper notice of an application
- Attachment C: List of municipalities with swamp pink plants
- Attachment D: List of municipalities with bog turtles

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

Transition Area Waiver Types

1. Averaging
2. Special Activity waivers for stormwater management, linear development, redevelopment, activities eligible for an Individual Permit
3. Matrix width reduction
4. Hardship waiver



Transition Area Waiver Types Include:

- General Permit transition area waiver for all GPs except 1, 7, 22 and 24
- An access transition area waiver (more details to follow)



Transition Area Waivers

It is a good practice to check that any development plans submitted to the town include the survey referenced by DEP in its LOI letter. If any work is proposed within the wetlands or within the transition area determined by DEP, the developer should be able to show that they have obtained necessary permits, transition area waiver or exemption letter from DEP for the work in those regulated areas.

Transition Area Exemptions



- If the activity had municipal approvals prior to 1989
- Framing , ranching or silviculture on a farm established by July 1988
- Forestry in accordance with a State approved forest management plan.

Transition Area Waiver Exemptions

<http://www.state.nj.us/dep/landuse/forms/chkfwta.pdf>



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FRESHWATER WETLANDS EXEMPTION LETTER TRANSITION AREA EXEMPTION LETTER

APPLICATION CHECKLIST

(updated 07/21/03)

This checklist is to be used to apply for an exemption letter for any of the following:

- An exemption for farming, ranching or silviculture under N.J.A.C. 7:7A-2.8(c);
- An exemption for harvesting of forest products in accordance with an approved forest management plan under N.J.A.C. 7:7A-2.8(d); and
- A transition area exemption for a project with certain municipal approvals under N.J.A.C. 7:7A-2.8(f).

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

Non-Regulated Activities in a Transition Area

- Normal property maintenance (I.e. mowing of existing fields or lawns, limited supplemental planting; maintenance of artificial features)
- Minor temporary disturbances
- Temporary structures covering 150 square feet or less (I.e. A shed or fence without a foundation; does not stay for more than 6 months)



Transition Area (TA) Access

- With a General Permit (GP) Authorization, there is a limited TA wavier for access to the activity. (The TA access does not count towards disturbance amount allowed under the GP.
- The access allows regulated activity in that portion of the TA:
 - Boarding the portion of the wetland where the permit activity under the GP...other disturbances would require a separate wavier

Wetlands Surveys

A survey of the approved delineated boundary line is required.

- It may be submitted as part of an LOI application, but adjustments to the line must be re-surveyed, or
- The survey may be submitted after LUR inspects and approves the delineation

The LOI will not be issued until the final survey is submitted.

Wetlands Surveys

- Survey requirements can be waived if wetlands extent can be easily determined in the future.
- If the LOI only covers a portion of the site, a survey of the boundaries of the portion of the site that are covered by the LOI should also be submitted

Coastal & Freshwater Wetlands General Permits

- Reduced application materials required
- Minimal standards specified in the GP
- Low cost fee
- Reduced public notification process
- Reduced timeframe for processing

General Permits



Authorize specific regulated activities in:

- Freshwater Wetlands
- Transition Areas
- State Open Water Areas

General Permits for:

- Maintenance and repair of existing features
- Underground utility lines
- Discharge of return water from and Upland
- Hazardous site investigation and Clean – up
- Landfill closures
- Regulated activities in non-tributary wetlands
- Human made ditches and swales in headwaters
- House Additions

General Permits for:

- Airport sight line clearing
- Very minor road crossing
- Minor road crossing
- Outfalls and intake structures
- Surveying and investigation
- Lake dredging
- Water monitoring devices
- Mosquito control activities

General Permits for:

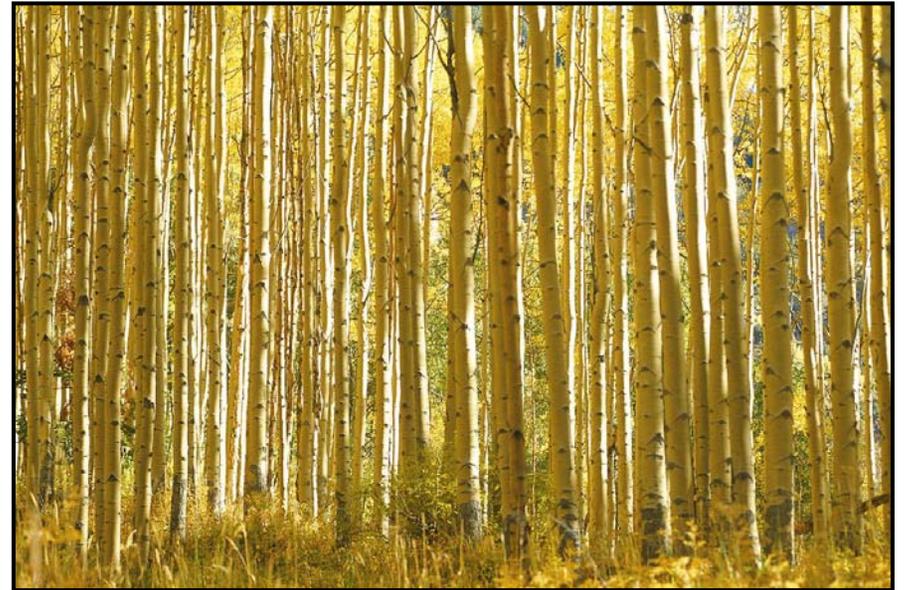
- Habitat creation and enhancement activities
- Trails and boardwalks
- Dam repair
- Docks and piers
- Bank stabilization
- Above ground utility lines
- Expansion of Cranberry growing operations in the Pinelands

General Permits for:

- Spring Development
- Malfunctioning Individual Septic Systems
- Minor Channel or stream cleaning for local government agencies
- Redevelopment of previously disturbed areas

Most Common GPs

- Maintenance of existing facilities
- Underground utility lines
- Filling of isolated wetlands
- Activities in ditches and swales
- Minor Road Crossings
- Stormwater outfalls



GP Approval

All GPs need written approval except:

- Maintenance of an off-stream stormwater management facility (GP1)
- Repair of a malfunctioning septic system (GP 25)
- Minor channel or stream clearing (GP 26)

These are automatically approved after a waiting period (unless the Division of Land Use Regulation notifies you)

GP Authorization Limits

- Disturbance limits are listed under each GP and apply to the entire site upon which activities occur.
- Projects cannot be segmented: For example: one portion of the site cannot be under a GP and another portion under an Individual Permit or projects cannot apply for separate GPs for portions of the same site.
- Unless specified differently, the limits of disturbance under a GP apply to total disturbance (both temporary and permanent).
- If a regulated activity is not covered by any general permit or a combination of general permits, an individual FWW or open water fill permit must be obtained. If a regulated activity in a transition area is not covered by any general permit or a combination of general permits, an individual Transition Area waiver must be obtained.



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FRESHWATER WETLANDS GENERAL PERMIT AUTHORIZATION

APPLICATION CHECKLIST AND FEE TABLE

(updated 12/12/05)

This checklist is to be used for all freshwater wetland general permits except General Permit 25 (repair or alteration of malfunctioning individual subsurface sewage disposal systems).

See special application checklist for general permit 25.

To complete this checklist, you will need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

Attachment B: Form for providing newspaper notice of an application

Attachment C: List of municipalities with swamp pink plants

Attachment D: List of municipalities with bog turtles

LURP-1 Form: Application form

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

NOTE: Most general permits now include authorization for transition area disturbance. If a project qualifies for the general permit, no separate transition area waiver is necessary.

NOTE: If any portion of this site is known or suspected of having any contamination the applicant shall provide any and all information regarding said contamination to this office with the associated permit application.

<http://www.state.nj.us/dep/landuse/forms/chkgpn25.pdf>



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FRESHWATER WETLANDS GENERAL PERMIT 25 AUTHORIZATION

APPLICATION CHECKLIST AND FEE TABLE

(updated 7/01/03)

This checklist is to be used to authorize repair of malfunctioning subsurface sewage disposal systems (septic systems) under freshwater wetlands general permit 25.

To complete this checklist, you will need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: There is no fee for an application for authorization under general permit 25.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

NOTE: General permit 25 now includes authorization for transition area disturbance. If a project qualifies for the general permit, no separate transition area waiver is necessary.

<http://www.state.nj.us/dep/landuse/forms/chkgp25.pdf>

GP Conditions

1. A GP will not be issued for the purpose of eliminating a natural resource in order to avoid regulations
2. The activity shall not occur in the proximity of a public water intake supply
3. Activities shall not destroy or jeopardize present or documented threatened and endangered habitat or the existence of a local population
4. Unless approved by the Nat. Park Service, an activity cannot occur in a component of federal or state wild and scenic river systems or a study river

GP Conditions

5. Activities cannot adversely affect properties listed or eligible for listing on the Nat. Register of Historic Places
6. Any discharge of dredged or fill materials is clean and free from pollutants
7. Any authorized structure or fill shall be maintained as specified in approved plans
8. During construction all excavation must be monitored for acid producing soils....if present mitigation is required
9. Activities must not result in any violation of the Flood Area Control Act

GP Conditions

10. If any activities are considered “major developments”, the stormwater management rules shall apply. (1/4 acre of new impervious or 1 acre of site disturbance)
11. Excavated or dredged materials have to be disposed of outside of a wetland, transition area or state open water, or other environmentally sensitive area.
12. The amount of stabilization materials (rip-rap etc.) shall not exceed the minimum necessary to prevent erosion.

GP Conditions

13. Best Management practices shall be followed (see 1.4)
14. If the activity is subject to the Water Quality Management Planning rules, the activity shall be consistent with those rules.
15. See 4.3 © Table A for fish timing requirements to be met
16. Activities shall not take place in a vernal habitat or a transition area to a vernal habitat.

Fish Timing Conditions

Department may reduce extend, modify on a case by case basis provided:

- Applicant demonstrates less impact to a fishery resource if activities occur during timing restriction

- The combined effects of the timing restriction would restrict activities to less than 183 calendar days per year.

(Applicant must demonstrate steps to minimize fisheries impact)

- Due to project nature or unusual circumstances, timing restriction must be extended to protect fisheries of threatened and endangered



Modifying or Extending a GP?

An issued GP can be modified if:

- The changes in the project are still acceptable under the GP
- No significant change in use or environmental impact is proposed

You can now get an extension of your permit, including GP authorization.



Individual Permits

- Only if there is no practical alternative to the activity in a non-wetland area.
- Project must be minimized
- Activity cannot adversely impact endangered species habitat
- Must be consistent with an approved Water Quality Management Plan
- Mitigation is required

Coastal & Freshwater Wetlands Individual Permit Requirements

- Expanded public notice & comment period or public hearing held
- Strict compliance with every applicable Coastal Zone Management rule & Individual FWW standards
- Requires alternatives analysis
- Requires mitigation & long term monitoring
- Large permit application fees



State of New Jersey

Department of Environmental Protection
Land Use Regulation Program
P O Box 439
Trenton, NJ 08625-0439
Fax: (609) 292-8115
www.state.nj.us/dep/landuse

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

**INDIVIDUAL FRESHWATER WETLANDS PERMIT
INDIVIDUAL OPEN WATER FILL PERMIT**

APPLICATION CHECKLIST AND FEE TABLE

(updated 07/21/03)

To complete this checklist, you will need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

Attachment B: Form for providing newspaper notice of an application

Attachment C: List of municipalities with swamp pink plants

Attachment D: List of municipalities with bog turtles

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

NOTE: The term "site," when used in this application checklist, has the meaning set forth for that term at N.J.A.C. 7:7A-1.4.

<http://www.state.nj.us/dep/landuse/forms/chkindiv.pdf>

ATTACHMENT A
Freshwater Wetlands Application Checklist
Model Letter – Notice to Neighboring Landowners
(copy this letter, fill in the blanks, and send to all parties listed
in item 3 on the applicable application checklist)

Date: _____

Re: Application submitted by:

(Print applicant's name)

Regarding property at:

(Street address of property)

(Block and lot of property)

(Town and county)

Dear Interested Party:

I am sending you this letter to inform you that I am submitting an application for a permit or approval to the New Jersey Department of Environmental Protection (NJDEP) under the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A. The permit or approval will either establish the boundary of freshwater wetlands on the above property, or will authorize me to conduct regulated activities on the property.

I am applying for the following approval(s):

- _____ Letter of interpretation (establishes the official boundary line of any regulated freshwater wetlands, open waters, or transition areas on the property, and if freshwater wetlands are present, identifies their resource value)
- _____ General permit authorization (authorizes regulated activities, such as construction or development, in wetlands and adjacent transition areas)

<http://www.state.nj.us/dep/landuse/forms/fwwatta.pdf>

ATTACHMENT B
Freshwater Wetlands Application Checklists
Model Newspaper Advertisement

(copy this notice, fill in the blanks, and place in the newspapers required
in item 3 on the applicable application checklist)

Date: _____

Re: Application submitted by _____
(Applicant's name)

Regarding property at:

(Street address of property)

(Block and lot of property)

(Town and county)

TAKE NOTICE that the above entity is applying to the Land Use Regulation Program at the New Jersey Department of Environmental Protection (NJDEP) for a permit or approval under the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A. The permit or approval will either establish the boundary of wetlands on the above property, or will authorize the applicant to conduct regulated activities on the property.

The approval(s) the applicant is requesting is (are):

- _____ Letter of interpretation (establishes the official boundary line and resource value of any freshwater wetlands, open waters, or transition areas on the property)
- _____ General permit authorization (authorizes regulated activities, for example construction or development, in wetlands and adjacent transition areas)
- _____ Individual permit (authorizes regulated activities in wetlands, for example construction or development)
- _____ Open water fill permit (authorizes regulated activities in open waters, for example construction or development)
- _____ Individual transition area waiver (authorizes regulated activities, for example construction or development, in areas adjacent to wetlands)

<http://www.state.nj.us/dep/landuse/forms/fwwattb.pdf>

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 LAND USE REGULATION PROGRAM
 Freshwater Wetlands Permit Program
 ATTACHMENT C**

The table below lists the municipalities in which swamp pink is known to occur in New Jersey as of April 2001. This table is subject to change as new information becomes available.

**KNOWN LOCATIONS OF SWAMP PINK IN NEW JERSEY
 (as of April 2001)**

COUNTY	MUNICIPALITIES
ATLANTIC	Egg Harbor Township Hammonton Township Mullica Township
BURLINGTON COUNTY	Evesham Township Medford Township Maple Shade Township Pemberton Township Southampton Township Woodland Township
CAMDEN COUNTY	Berlin Borough Berlin Township Clementon Borough Gibbsboro Borough Gloucester Township Haddonfield Township Lindenwold Borough Pine Hill Borough Pine Valley Borough Runnemede Borough Voorhees Township Waterford Township Winslow Township
CAPE MAY COUNTY	Cape May Point Borough Dennis Township Lower Township Middle Township Upper Township

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 LAND USE REGULATION PROGRAM
 Freshwater Wetlands Permit Program
 ATTACHMENT D**

The table below lists the municipalities in which bog turtles are known to occur (or in which there is suitable bog turtle habitat within a drainage area with active bog turtle sites) in New Jersey as of April 2001. This table is subject to change as new information becomes available.

**KNOWN LOCATIONS OF BOG TURTLES IN NEW JERSEY
 (as of April 2001)**

COUNTY	MUNICIPALITIES
ATLANTIC COUNTY	Egg Harbor Township Hammonton Township
BERGEN COUNTY	Alpine Borough Hackensack City Montvale Borough Northvale Borough Old Tappan Borough River Vale Township Tenafly Borough
BURLINGTON COUNTY	Bass River Township Bordentown Township Burlington Township Chesterfield Township Delanco Township Delran Township Edgewater Park Township Evesham Township Mansfield Township Medford Township Mount Laurel Township New Hanover Township North Hanover Township Springfield Township Washington Township Westampton Township

<http://www.state.nj.us/dep/landuse/forms/fwwattd.pdf>



State of New Jersey

James E. McGreevey
Governor

Department of Environmental Protection
Land Use Regulation Program
P O Box 439
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www.state.nj.us/dep/landuse

Bradley M. Campbell
Commissioner

Land Use Regulation Program Freshwater Wetlands Vernal Habitat Protocol (updated: 05/17/02)

Purpose:	1
Item 1: "Occurs in a confined basin depression without a permanent flowing outlet"	2
Item 2: "Features evidence of breeding by one or more species of fauna adapted to reproduce in ephemeral aquatic conditions"	2
Item 3: "Maintains ponded water for at least two continuous months between March and September of a normal rainfall year"	2
Item 4: "Is free of fish throughout the year, or dries up at some time during the year"	3
Required Field Observations for Certifying a Vernal Habitat	3
Documenting The Location Of A Vernal Habitat	4
Use Of This Protocol In The Freshwater Wetlands Permit Program:	5

Purpose:

This protocol will be used by the Land Use Regulation Program to determine whether an area meets the definition of a "vernal habitat" in N.J.A.C. 7:7A-1.4. If the application of this protocol results in a Department determination that an area meets the definition of a vernal habitat, the area will be placed on the list of certified vernal habitats, maintained by the Department. The Department will also develop digital mapping to show the locations of certified vernal habitats.

The definition of a vernal habitat includes four criteria that must be satisfied. Item 1 requires that the area occur in a confined basin depression without a permanently flowing outlet. Item 2 requires the documentation of obligate or facultative vernal habitat species (these species are identified in N.J.A.C. 7:7A, Appendix 1). Item 3 requires that the area maintain ponded water for at least two continuous months between March and September of a normal rainfall year. Item 4 requires that the area is free of fish populations throughout the year, or dries up at some time during a normal rainfall year. The elements required to satisfy each item are discussed below.

<http://www.state.nj.us/dep/landuse/forms/vernalpr.pdf>



VERNAL POOL DATA SHEET
*New Jersey Division of Fish and Wildlife
 Endangered and Nongame Species Program*

GENERAL INFO

SITE NAME: _____ OBSERVER: _____
 ORGANIZATION: _____ DATE: _____ COUNTY: _____
 MUNICIPALITY: _____ TOPO QUAD: _____
 DIRECTIONS TO SITE: _____

POOL CHARACTERISTICS

POOL TYPE (check): natural swale/depression excavated pit/ditch impoundment

WATER LEVEL (check): full >50%full <50%full dry

POOL DIMENSIONS (at max capacity): _____m x _____m

WATER QUALITY (check): clear tea-colored algae-green

STRUCTURE OF VEGETATION WITHIN/OVERHANGING POOL (ESTIMATE % COVER):

trees scrub/shrub floating vegetation emergent vegetation

DOMINANT PLANT SPECIES WITHIN/OVERHANGING POOL (optional): _____

LANDSCAPE CONTEXT (check all that apply): upland forest forested wetlands

emergent/scrub-shrub wetland agricultural field/grassland suburban

STRUCTURE OF HABITAT WITHIN 100m OF POOL: _____

GENERAL NOTES/COMMENTS: _____

Freshwater Wetlands Information

<http://www.state.nj.us/dep/landuse/forms/GUIDETOOF.pdf>



Coastal Wetlands



WETLANDS ACT OF 1970 (N.J.S.A. 13:9A)

http://www.state.nj.us/dep/landuse/13_9a.pdf

13:9A-1. Legislative intent; inventory and mapping of tidal wetlands; filing in office of county recording officer

a. The Legislature hereby finds and declares that one of the most vital and productive areas of our natural world is the so-called "estuarine zone," that area between the sea and the land; that this area protects the land from the force of the sea, moderates our weather, provides a home for water fowl and for all our fish and shellfish, and assists in absorbing sewage discharge by the rivers of the land; and that in order to promote the public safety, health and welfare, and to protect public and private property, wildlife, marine fisheries and the natural environment, it is necessary to preserve the ecological balance of this area and prevent its further deterioration and destruction by regulating the dredging, filling, removing or otherwise altering or polluting thereof, all of the extent and in the manner provided herein.

b. The Commissioner of Environmental Protection shall, within 2 years of the effective date of this act, make an inventory and maps of all tidal wetlands within the State. The boundaries of such wetlands shall generally define the areas that are at or below high water and shall be shown on suitable maps, which may be reproductions or aerial photographs. Each such map shall be filed in the office of the county recording officer of the county or counties in which the wetlands indicated thereon are located. Each wetland map shall bear a certificate of the commissioner to the effect that it is made and filed pursuant to this act. To be entitled to filing no wetlands map need meet the requirements of R.S. 47:1-6.

13:9A-2. Authority of commissioner to adopt, modify or repeal orders regulating, altering or polluting coastal wetlands; coastal wetlands defined

The Commissioner may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife and marine fisheries, adopt, amend, modify or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting, coastal wetlands. For the purposes of this act the term "coastal wetlands" shall mean any bank, marsh, swamp, meadow, flat or other low land subject to tidal action in the State of New Jersey along the Delaware bay and Delaware river, Raritan bay, Barnegat bay, Sandy Hook bay, Shrewsbury river including Navesink river, Shark river, and the coastal inland waterways extending southerly from Manasquan Inlet to Cape May Harbor, or at any inlet, estuary or tributary waterway or any thereof, including those areas now or formerly connected to tidal waters whose surface is at or below an elevation of 1 foot above local extreme high water, and upon which may grow or is capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass (*Spartina alterniflora*), saltworts (*Salicornia Europaea*, and *Salicornia bigelovii*), Sea Lavender (*Limonium carelinianum*), saltmarsh bulrushes (*Scirpus robustus* and *Scirpus Paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina*), switch grass (*Panicum virgatum*), tall cordgrass (*Spartina pectinata*), hightide bush (*Iva frutescens* var. *oraria*), cattails (*Typha angustifolia*, and *Typha latifolia*), spike rush (*Eleocharis rostellata*), chairmaker's rush (*Scirpus americana*), bent grass (*Agrostis palustris*), and sweet grass (*Hierochloa odorata*). The term "coastal wetlands" shall not include any land or real property subject to the jurisdiction of the Hackensack Meadowlands Development Commission pursuant to the provisions of P.L. 1968.

The land immediately adjacent to a tidal water often contains coastal wetlands. These wetland areas are a vital coastal resource serving as habitat for many creatures. The wetlands also serve as buffers that protect upland areas from the flooding and damage caused by storms





The Wetlands Act of 1970 requires the DEP to regulate development in coastal wetlands. Any time land is located near tidal water, there is a good possibility of coastal wetlands on the property. Some signs that may indicate the presence of wetlands are tall reeds and grasses, or ground that is usually flowed by the tide...either daily or during high tide events.

NOTE: Because these wetlands are flowed by tidal water, they are also regulated under Waterfront Development.

The regulated coastal wetlands are shown on maps prepared by the DEP. Unlike DEP's freshwater wetlands maps, the coastal wetlands maps are used to determine jurisdiction. These maps are available for public inspection at each county clerk's office.





These areas are located in Middlesex, Monmouth, Ocean, Burlington, Atlantic, Cape May, Cumberland and Gloucester Counties and include the waterward or upper wetland boundary of the wetland maps which are specified in the rule.

Coastal Wetland Maps



Can be found at the county recording office

Permits are required for all activities in the coastal wetlands including: filling, excavation or the construction of any structure; the installation of utilities; construction of impoundments; the diversion or appropriative use of water and driving over or upon wetlands which may alter or impair the natural contour or vegetation.

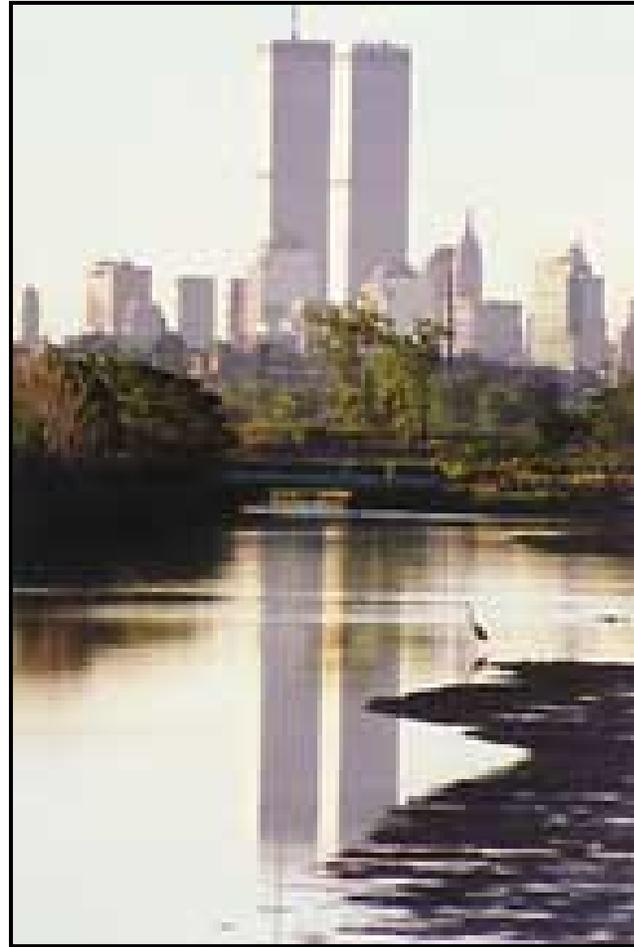




Prohibited activities include disposal of solid waste, discharge of sewage or industrial waste, application of pesticides or storage of pesticides

Exemptions

Coastal Wetlands property under the jurisdiction of the Hackensack Meadowlands Development Commission are not mapped, and therefore are only regulated under the Waterfront Development Act.



Exemptions



The continuance of commercial production of salt hay or other agricultural crops on lands utilized for these purposes on or before April 13th, 1972 or activities conducted by the NJ DEP, the Natural Resource Council and the State Health Department are also exempted from the Coastal Wetland regulations.

Jurisdictional Determinations

<http://www.state.nj.us/dep/landuse/forms/jurisdet.pdf>

OFFICIAL USE ONLY NJEMS Pre-Review Form		
Program Interest #:	Class code:	Activity #
Type:	Component Type:	
Proposed activity		
Date Received: ___/___/___	20 th Due Date : ___/___/___	90 th Due Date : ___/___/___
PRO	Points	
Alternate PI # (xref #'s)	ASU:	ASU Date : ___/___/___

Information Required for Jurisdictional Determination

Applicant name: _____

Address: _____

Agent: _____

Address: _____

Daytime Telephone Number: _____

PROJECT LOCATION:

Block(s): _____ Lot(s): _____

Municipality: _____ County: _____

Site Address (or nearest crossroads): _____

PROJECT DESCRIPTION:

PLEASE ATTACH A COPY OF THE SITE PLAN OR SURVEY FOR THE PROPOSED PROJECT ALONG WITH A LOCATION MAP AND, IF AVAILABLE, PHOTOGRAPHS OF THE EXISTING PROPERTY.

SEND TO:

New Jersey Department of Environmental Protection
Land Use Regulation Program
Jurisdictional Determination Unit
PO Box 439
501 East State Street
Trenton, NJ 08625-0439

Coastal Wetlands General Permits

- Reduced application materials required
- Minimal standards specified in the GP
- Low cost fee
- Reduced public notification process
- Reduced timeframe for processing

Coastal General Permit

<http://www.state.nj.us/dep/landuse/forms/cafmod.pdf>

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
REQUEST FOR MODIFICATION TO COASTAL PERMIT
CHECKLIST FOR ADMINISTRATIVE COMPLETENESS
(07/03)

These are the submission requirements for an administratively complete application package to modify an existing **coastal permit**. NOTE: Coastal general permits can not be modified. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement. Visit our website at www.state.nj.us/dep/landuse for additional help and information.

- 1. A completed LURP application form;
- 2. Permit review fee in the form of a check, money order or government voucher (see fee schedule) - Payable to the Treasurer - State of New Jersey, Environmental Services Fund;
- 3. Evidence that public notice has been provided in accordance with the following:
- (a) For major modification of a CAFRA permit or Waterfront Development permit located landward of the mean high water line, except linear or shore protection developments of 1/2 mile or more in length:
 - i. White mailing receipt or other written receipt as evidence that three complete copies of the request for a modification have been submitted to the clerk of the municipality in which the development is proposed, including a letter requesting that the clerk distribute one copy to the planning board and one to the environmental commission. The third copy shall be maintained by the clerk's office;
 - ii. White mailing receipt or other written receipt as evidence that an amended site plan, completed LURP application, and the notice found below have been submitted to the persons listed below. The amended site plan need not include a full set of plans, but shall depict the proposed development in relationship to existing site conditions. This plan may be on an 8 1/2 inch by 11 inch sheet of paper provided it generally depicts the proposed development and general and site specific location.
 - Municipal Construction Official;
 - County Planning Board;
 - County Environmental Commission; and
 - All owners of real property, including easements, within 200 feet of the property or properties on which the proposed development would occur, along with a certified list of all property owners within 200 feet, except that:

For modified developments proposed on the site of an industrial, commercial or residential development of at least 100 acres or a park facility of at least 50 acres in size, provided there is no change in land use, the applicant shall contact the Department for the individual property notice requirements.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
REQUEST FOR MODIFICATION TO COASTAL GENERAL PERMIT
CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

7/03

These are the submission requirements for an administratively complete application package to modify an existing coastal general permit. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement. Additional information available at our website: www.state.nj.us/dep/landuse.

- 1. A completed LURP application form;
- 2. A check or money order for \$200 (Payable to: Treasurer - State of New Jersey, Environmental Services Fund);
- 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view;
- 4. Three copies of an amended site plan showing:
 - i. All site plan information required under the specific coastal general permit;
 - ii. The originally approved development; and
 - iii. All proposed changes to the existing development.
- 5. White certified mailing receipts or other written receipt as evidence that a complete copy of the application has been forwarded to the clerk of the municipality;
- 6. White certified mailing receipts or other written receipts as evidence that a copy of (i) the completed LURP application form, (ii) the site plan (this plan maybe on an 8.5 by 11" sheet of paper provided it generally depicts the proposed development and the site location) and (iii) the notice below, have been forwarded to the following parties:
 - a) County Planning Board
 - b) Municipal Planning Board
 - c) Municipal Environmental Commission (if one exists)
 - d) Municipal Construction Official
 - e) All property owners surrounding and sharing a property boundary at any point on the perimeter of the proposed development.

"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Permit for (DESCRIBE THE DEVELOPMENT SHOWN ON THE ENCLOSED PLAN).

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the DEP's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter. Your comments should be sent along with a copy of this letter to:

*New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439*

[http://www.state.nj.us/dep/landuse/forms/
cafragpmod.pdf](http://www.state.nj.us/dep/landuse/forms/cafragpmod.pdf)



Richard J. Codey
Acting Governor

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
PO Box 439
Trenton, NJ 08625-0439
Fax# (609)-777-3656
www.nj.gov/dep/landuse/



Bradley M. Campbell
Commissioner

COASTAL GENERAL PERMIT APPLICATION FOR DEVELOPMENT
AT SINGLE FAMILY/DUPLEX PROPERTIES
CHECKLIST FOR ADMINISTRATIVE COMPLETENESS
(revised 8/16/05)

These are the submission requirements for an administratively complete application package for a coastal general permit. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement. NOTE: Items 1 through 6 shall be submitted for all coastal general permit applications. Visit our website at www.nj.gov/dep/landuse for additional help and information.

- 1. A completed LURP application form;
- 2. Permit review fee in the form of a check or money order for \$500 (Payable to: Treasurer - State of New Jersey, Environmental Services Fund);
- 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view;
- 4. White certified mailing receipts or other written receipts as evidence that three complete copies of the application package have been submitted to the clerk of the municipality in which the development is proposed, including a letter requesting that the clerk distribute one copy to the planning board and one to the environmental commission. The third copy shall be maintained by the clerk's office.
- 5. White certified mailing receipts or other written receipts as evidence that a copy of (1) the completed LURP application form, (2) the site plan (this plan maybe on an 8.5 by 11" sheet of paper provided it generally depicts the proposed development and the site location) and (3) the notice below, have been forwarded to the following parties:
 - a) County Planning Board;
 - b) Municipal Construction Official;
 - c) County Environmental Commission;
 - d) All property owners, including easements, surrounding and sharing a property boundary at any point on the perimeter of the proposed development; and
 - e) Verification in the form of a list certified by the municipality of all owners of real property, as described in (d) above.

The public notice required in item 6 above shall read as follows:

"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for authorization under a coastal general permit for (DESCRIBE THE PROPOSED DEVELOPMENT).

[http://www.state.nj.us/dep/landuse/forms/
cafragpsng.pdf](http://www.state.nj.us/dep/landuse/forms/cafragpsng.pdf)



State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
PO Box 439
Trenton, NJ 08625-0439
Fax# (609)-777-3656
www.nj.gov/dep/landuse/



Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

COASTAL GENERAL PERMIT APPLICATION FOR DEVELOPMENT OTHER THAN AT SINGLE FAMILY/DUPLEX PROPERTIES

CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

(11/15/04)

These are the submission requirements for an administratively complete application package for a coastal general permit. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement. NOTE: Items 1 through 6 shall be submitted for all coastal general permit applications. Visit our website at www.nj.gov/dep/landuse/ for additional help and information.

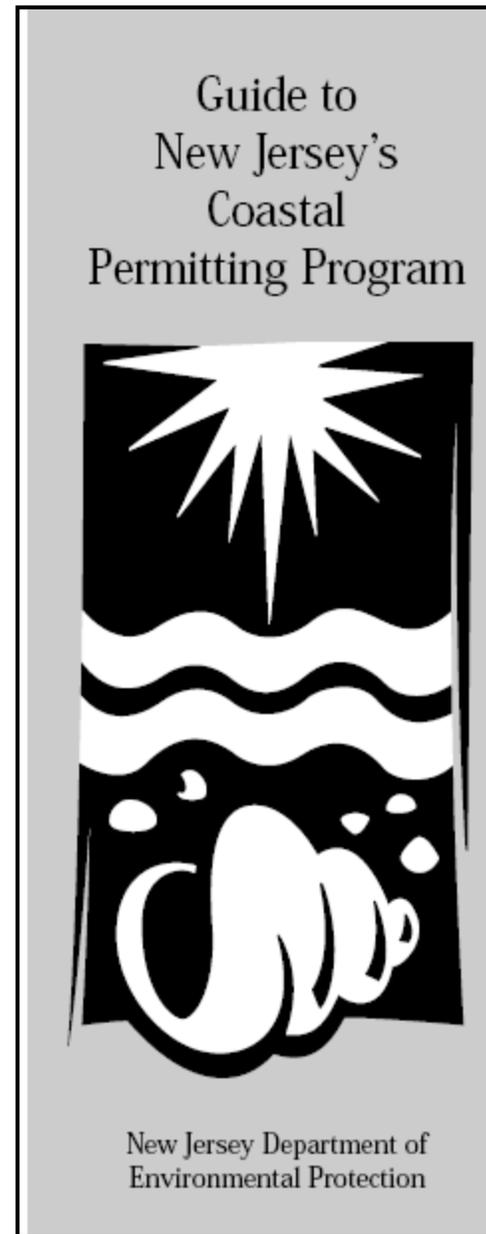
- 1. A completed LURP application form;
- 2. Permit review fee in the form of a check or money order, or governmental voucher in the amount of \$500 for each type of Coastal General Permit - Payable to the Treasurer - State of New Jersey, Environmental Services Fund)
- 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view;
- 4. County or local road map or an insert from a U.S. Geological Survey topographic quadrangle map showing the general site location of the development;
- 5. State Plane coordinates for a point at the approximate center of the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. For a shore protection development including beach and dune maintenance or dune creation of one-half mile or less in length, the State plane coordinates shall include the coordinates for the end points of the development. For these projects one-half mile or more in length, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.
- 6. White certified mailing receipts or other written receipts as evidence that three complete copies of the application package have been submitted to the clerk of the municipality in which the development is proposed, including a letter requesting that the clerk distribute one copy to the planning board and one to the environmental commission. The third copy shall be maintained by the clerk's office.
NOTE: Applications within the Pinelands Preservation or Protection Area must also contain verification that a complete copy of the application package has been submitted to the Pinelands Commission;
- 7. White certified mailing receipts or other written receipts as evidence that a copy of (1) the completed LURP application form, (2) the site plan (this plan may be on an 8.5 by 11" sheet of paper provided it generally depicts the proposed development and the site location) and (3) the notice below, have been forwarded to the following parties:
 - a) County Planning Board

<http://www.state.nj.us/dep/landuse/forms/cafragp.pdf>

Coastal Individual Permit Requirements

- Expanded public notice & comment period or public hearing held
- Strict compliance with every applicable Coastal Zone Management rule & Individual FWW standards
- May require alternatives analysis
- May require mitigation & long term monitoring
- Large permit application fees

Questions?



<http://www.state.nj.us/dep/landuse/forms/GUIDETOC.pdf>

Please click on the link below to be transferred to the quiz for this module.

<http://www.surveymonkey.com/s.asp?u=653391766582>