

Land Use Regulation Freshwater Wetland Program http://www.state.nj.us/dep/landuse/fww.html **Television Program Autority (1997) **Television P

Fresh Water Wetlands Protection Act Rules http://www.state.nj.us/dep/landuse/7-7a.pdf CALL Rules http://www.state.nj.us/dep/landuse/7-7a.pdf CALL Rules CALL

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.





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.

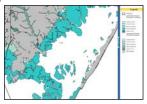
The most common type of freshwater wetlands permit is a general permit. General permits cover a limited number of very minor activities, such as:

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

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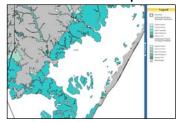
Wetland Maps

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/ qis/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.



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.ni.us/dep/landuse/forms/chkloiex.pd

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RESHWATER WETLANDS LETTER OF INTERPRETATION (LOI) EXTENSION APPLICATION CHECKLIST AND FEE TABLE

This checklist is to be used for an extension to an LOI. Rules governing LOI entersions can be found at N.J.A.C. 738-34.

To complete this checklist, you will need the following effectments:
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Affactment A: Form letter for providing certified mall notice of an application NOTE: Please provide only <u>one copy</u> of each item listed on this checklist, unless the it specifically states trut more oppes should be provided.

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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)

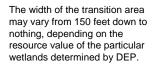
A transition area is a strip of land surrounding each wetland. They:

- •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.





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.pd

• Changes the shape or size of the transition area

OR

 Allows regulated activities within the transition area



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 wavier



Transition Area Wavier Types Include:

- General Permit transition area wavier for all GPs except 1, 7,22 and 24
- An access transition area wavier (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 it's 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 Wavier Exemptions http://www.state.nj.us/dep/landuse/forms/chkfwta.pdf State of New York State FRESHOLD FRESHOLD EXPERTION LITTLE FRESHOLD FRESHOLD EXPERTION LITTLE FRESHOLD FRESH

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:
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- 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 s not
 covered by any general permit or a combination of general permits, an
 individual Transition Area waiver must be obtained.



http://www.state.nj.us/dep/landuse/fo rms/chkgpn25.pdf





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.

omplete this checklist, you will need the following attachments:
Attachment A: Form letter for providing certified mail notice of an application

: Please provide only <u>one copy</u> of each item listed below, unless the item cally states that more copies should be provided.

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

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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.
- 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 \odot Table A for fish timing requirements to be met
- 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 he GP
- No significant change in use or environmental impact is proposed

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

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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

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site, or a person w any authorization i may be identified i may be a person w be a consultant, er application but wh	who signs the LURP-1 form as the applicant must it th sufficient legal authority over the site to carry out source. Others may assist the applicant is prepared to the application as the applicant's agent. For examp the sunder contract to buy the site. However, the righreer, altomey, or other person who has assisted in other not have legal authority to carry out the project dentified in the application as the agent.	all requirements of the application, and pie, the applicant applicant may not in preparing the
NOTE: The term "r for that term at N.J.	site," when used in this application checklist, has the A.C. 7:7A-1.4.	meaning set forth

ATTACHMENT A Freshwater Wetlanes Application Checklist Model Letter - Neidon to Neighboring Landowners dons in same of A no bearing - A least for a growing landowners dons in same of A no bearing - A least for a growing landowners on the same of A no bearing - A least for a growing landowners dons in the same of the
Date:
Rec 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 existing you has letter to inform you that I am submitting an application for a person of supervise the New Amery Considerate of Environmental Protection (NLCOF) under the Freshwater Verlands Protection An June, J. J. A.C. 7.73. The person of approvise will either establish the boundary of treshwater wetbands on the above property, or will authorize the orbinded requisited activities on the property.
I am applying for the following approval(s):
Letter of integretation installations the official boundary line of any regulated freshwater residents, open vallers, or stransform review on the property, and if theshwater welfanch any present, identifies their property value?
Connexis permit authorization (authorizes regulated activities, such as construction or development, in wetands and adjacent barestions areas)

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Date:			
Re: Application submitted by			
requiring property as			
(Street address of property)			
(Block and lot of groperty)			
(Town and county)			
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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 groperty)			
 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/f	wwattb.pdf		

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND USE REGULATION PROCESSA Frenches Westerleine French Program ATTACHMENT C	
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND USE REQULATION PROGRAM Freshwater Wetlands Permit Program ATTACHMENT D	
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requires that the area is tree 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.	



Freshwater Wetlands Information http://www.state.nj.us/dep/landuse/forms/GUIDETOF.pdf Guide to New Jersey's Freshwater Wetands Permitting Program Was Incompetition of Environment of Env



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

http://www.state.ni.us/dep/landuse/13 9a.pdf

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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.ni.us/dep/landuse/forms/jurisdet.pdf

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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 XSIGN CENTIFICATION TO COMPANY FRONT **OKCURTING** **ROMATION ROOFFICEATION TO COMPANY FRONT **OKCURTING** **OKCURTING** **STATE OF THE AND T





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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	