



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
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**HIGHLANDS RESOURCE
AREA DETERMINATION (HRAD)
APPLICATION CHECKLIST**
(Updated 04/23/07)

This checklist should be used for a request for a Highlands Resource Area Determination pursuant to N.J.A.C. 7:38-4 for a property that is located within the Highlands Preservation Area. The rule allows three different types of Highlands Resource Area Determinations. A HRAD confirms the presence or absence of a Highlands Resource Area(s) on a site, and the location and, as applicable, the boundary of each Highlands Resource Area.

To complete this checklist, you will need A Highlands Attachment A, which is 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-2 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 Highlands Water Protection and Planning Act 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 Department 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.

NOTE: After the Department has reviewed an application for a line verification HRAD the applicant must submit a survey of the Highlands Open Water boundary. The Department will then include the survey of the approved boundary in the issued HRAD. The Department will not issue the HRAD 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 HRAD .

NOTE: A HRAD is not a permit or approval to conduct any regulated activity on a site.

Types of Highlands Resource Area Determination

The Department issues the following three types of HRADs:

1. A Footprint of Disturbance HRAD, in which the Department verifies the boundaries of all Highlands open waters and their buffers present on the site as plotted by the applicant and determines whether any other Highlands Resource Area exists inside the footprint of disturbance proposed on a site. For a Footprint of Disturbance HRAD, the applicant must submit all of the information required in this checklist.

An applicant may apply for a Footprint of Disturbance HRAD for more than one portion of a site, provided that:

- (1) Each portion is no larger than one acre;
- (2) The applicant submits a separate fee for each portion; and
- (3) No more than three Footprints of Disturbance HRADs are sought for a single site;

2. A Boundary Delineation HRAD, in which the Department itself delineates the boundaries of all Highlands open waters, their buffers, and upland forest on a site of one acre or less total area and determines the presence, absence and location of all other Highlands Resource Areas on that site. For a boundary delineation HRAD, the applicant shall submit all of the information required in this checklist.). The Department will issue boundary delineation HRADs only for an entire site; and

3. A Boundary Verification HRAD, in which the Department confirms and modifies, as appropriate, the applicant's delineation of Highlands open waters, buffers and upland forest on an entire site and confirms or modifies, as appropriate, the applicant's conclusions as to the presence, absence or location of all other HRAs on the site. For a boundary verification HRAD, the applicant shall submit all of the information required in this checklist.

For more information on HRADs please see N.J.A.C. 7:38-4, which is available at www.nj.gov/dep/highlands .

APPLICATION REQUIREMENTS

To be deemed administratively complete, an application for a Highlands Resource Area Determination must include all of the following items:

- ___ 1. A LURP-2 application form, completed in accordance with the directions on the form;
- ___ 2. The appropriate fee, indicated in the Highlands Fee Schedule, which can be found at www.nj.gov/dep/highlands paid as follows:
 - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - The fee shall be made payable to “**Treasurer, State of New Jersey**”;
 - Each check, purchase order, or money order must be marked with the name of the applicant;
- ___ 3. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) All of the following must be submitted:
 - ___ A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to the Department;
 - ___ B. Proof that the Highlands Council has been sent a copy of the entire application that was submitted to the Department;
 - ___ C. Proof that a completed copy of the notice letter found in Highlands Attachment A has been sent to each of the following:
 - ___ i. The municipal environmental commission (if one exists);
 - ___ ii. The municipal planning board;
 - ___ iii. The municipal construction official;
 - ___ iv. The county planning board;
 - ___ v. The county environmental commission (if one exists) and
 - ___ vi. All owners of land within 200 feet of the boundary of the site.The application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality that is less than 90 days old;
- ___ 4. A copy of the appropriate portion of the U.S. Geologic Survey Quadrangle (USGS) Map for the project site and a determination of the 1983 datum for State Plane Coordinates for the center of the project. The accuracy of these Coordinates should be within 50 feet of the actual point. For linear projects, the applicant shall provide State plane coordinates for the end-points of those projects, which are 1999 feet or less, and for those projects which are 200 feet or longer, additional coordinates at each 1000-foot interval. For assistance in determining the coordinates for a site, see the iMap application at www.nj.gov/dep/gis/depsplash.htm ;

- ___ 5. Two copies of a recent county road map or local street map, with the site clearly indicated;
- ___ 6. A copy of the municipal tax map(s) delineating the a project or activity by lot(s) and block(s);
- ___ 7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and immediately surrounding areas. A minimum of ten photographs is required;
- ___ 8. A copy of the data request letter obtained from the Natural Heritage Program pursuant to N.J.A.C. 7:38-4.1(d)3ii. A data request application form can be found at <http://www.nj.gov/dep/parksandforests/natural/heritage/datareq.html> and a description of all ecological communities and rare, or threatened and/or endangered plant or animal species habitat.
- ___ 9. For a footprint of disturbance HRAD for a portion of a site under N.J.A.C. 7:38-4.1(c) the following information is required, in addition to the information required in items 1 through 8 above:
 - ___ A. Five copies of a survey or site plan, drawn at a scale no more than 1 inch to 50 feet signed and sealed by a licensed surveyor or engineer, clearly showing the portion of the site that depicts the location of and that separately labels the following:
 - ___ i. The boundaries of the portion of the site (or "footprint of disturbance") that the HRAD will cover. Also flags or stakes must be placed on the site to show the footprint of disturbance, so that Department staff can easily find the boundary of that portion of the site. The flags or stakes must be numbered, and must be identified on the survey or site plan;
 - ___ ii. The general location of all Upland forest areas on the portion of the property, which is the subject of the application. The general area shall be clearly marked in the field and any relevant data or other materials that explain the determination of the area as forest must also be submitted. See N.J.A.C. 7:38-3.9(b) for more information on determining whether an area is considered forested;
 - ___ iii. All slopes in the proposed footprint of greater than 20% and those ranging from 10% to 20%, which must be labeled separately. See N.J.A.C. 7:38-3.8 for more information on determining slopes;
 - ___ iv. The location of all ecological communities and rare, or threatened and/or endangered plant or animal species habitat. If an applicant seeks to rebut a presumption of suitable habitat as set forth in N.J.A.C. 7:38-4.1(d)3 or (d)4, a Habitat Evaluation pursuant to N.J.A.C. 7:38-5.2 or 5.2, as applicable;
 - ___ v. Information, as detailed in N.J.A.C. 7:38-3.10, regarding the potential or known historic or archaeological areas on the site.

- ___ 10. For a boundary delineation HRAD under N.J.A.C. 7:38-9.4(d), the following information is required, in addition to the items required in items 1 through 8 above:
- ___ A. Five copies of a survey or site plan of the entire site, drawn at a scale no than 1 inch to 50 feet signed and sealed by a licensed surveyor, that depicts the location of and that separately labels the following:
 - ___ i. The general location of all Upland forest areas on the portion of the property, which is the subject of the application. The general area shall be clearly marked in the field and any relevant data or other materials that explain the determination of the area as forest must also be submitted. See N.J.A.C. 7:38-3.9(b) for more information on determining whether an area is considered forested;
 - ___ ii. All slopes in the proposed footprint of greater than 20% and those ranging from 10% to 20%, which must be labeled separately. See N.J.A.C. 7:38-3.8 for more information on determining slopes;
 - ___ iii. The location of all ecological communities and rare, or threatened and/or endangered plant and animal species habitat. If an applicant seeks to rebut a presumption of suitable habitat as set forth in N.J.A.C. 7:38-4.1(d)3 or (d)4, a Habitat Evaluation pursuant to N.J.A.C. 7:38-5.2 or 5.2, as applicable;
 - ___ iv. Information, as detailed in N.J.A.C. 7:38-3.10, regarding the potential or known historic or archaeological areas on the site.
 - ___ B. In addition, the boundaries of the site shall be flagged or staked to enable Department staff to identify the site boundaries.
- ___ 11. For a boundary verification under N.J.A.C. 7:38-9.4(e), the following information is required, in addition to the information required in items 1 through 8 above:
- ___ A. Five folded copies of a survey or site plan, depicting the entire site, drawn at a scale of no more than one inch to 100 feet signed and sealed by a licensed surveyor, that depicts the location of and that separately labels the following:
 - ___ i. The proposed boundaries of all Highlands open waters and buffers on the site must be drawn and clearly labeled on the survey or site plan. The proposed boundaries of all Highlands open waters must be flagged or staked on the site as follows, so that Department staff can visit the site and locate the proposed boundaries:
 - The flags or stakes must be no more than 75 feet apart and must be set in relation to identifiable points and landmarks if possible;
 - Each flag or stake must be numbered, and must be identified on the survey or site plan by its number;
 - ___ ii. The location and identifying number of each soil boring. Soil borings must be taken as follows:
 - Soil borings shall be taken along a line perpendicular to the Highlands open waters boundary, starting in

the definite Highlands open water area and moving towards the uplands;

- Each soil boring must be at least eighteen inches deep, and must be deeper if necessary to provide clear evidence of the soil characteristics at that location on the site. Deeper borings are often necessary in atypical or disturbed wetlands;
- The number of soil borings must be sufficient to provide a representative sampling of the soil on the site. The Department may require additional borings if necessary to provide a representative sampling;
- The application must include soil logs, describing the soil characteristics at the location of each soil boring, including a description of the field indicators, or lack thereof, for hydrology as outlined in the 1989 Federal manual;

___ iii. Topography and include topographic contours at intervals of no more than two feet;

___ iv. All slopes in the proposed footprint of greater than 20% and those ranging from 10% to 20%, which must be labeled separately. See N.J.A.C. 7:38-3.8 for more information on determining slopes;

___ v. All upland forested areas, as described in N.J.A.C. 7:38-3.9.

___ vi. The location of all ecological communities and rare, or threatened and/or endangered plant and animal species habitat. If an applicant seeks to rebut a presumption of suitable habitat as set forth in N.J.A.C. 7:38-4.1(d)3 or (d)4, a Habitat Evaluation pursuant to N.J.A.C. 7:38-5.2 or 5.2, as applicable;

___ vii. Information, as detailed in N.J.A.C. 7:38-3.10, regarding the potential or known historic or archaeological areas on the site.

___ B. The application must include a description of the vegetative species on the site, recorded at each soil boring and classified using the United States Fish and Wildlife Service (USFWS) categories listed under "R/IND" and "NAT-IND" (Regional and National Indicators) columns in the "National list of Plant Species that Occur in Wetlands: 1988-New Jersey" and amendments thereto, compiled by the USFWS, United States Army Corps of Engineers, USEPA and the USDA's Natural Resources Conservation Service

___ 12. The application shall include the name(s) and qualifications of the person(s) who prepared the material required above.