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**FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI)
APPLICATION CHECKLIST AND FEE TABLE**
(Updated March 2016)

This checklist is for all LOI types which are as follows:

1. A presence/absence LOI for an entire site
2. A presence/absence LOI for a portion of a site under one acre (also called a footprint of disturbance LOI). See N.J.A.C. 7:7A-3.2 for a detailed description of this LOI;
3. A line delineation LOI for an entire site under one acre. See N.J.A.C. 7:7A-3.3 for a detailed description of this LOI; and
4. 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:

1. Attachment A: Form letter for providing certified mail notice of an application.
2. DLUR Form: Application form

Notes:

- Please provide only one copy of each item listed on the checklist, unless the item specifically states that additional copies are required.
- The person who signs the DLUR application form as the applicant must either be the owner of the site, or a person with legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, however only one person may be identified in the application as the applicant's agent. The agent may be a consultant, engineer, attorney, or other person who has assisted or prepared the application. The agent is the person to which all correspondence will be sent and the person that has authority to make decisions with regard to the application.
- For a "Line Delineation" LOI, once the Department has delineated and flagged and/or staked the regulated wetland areas on the site, the applicant will receive a Letter indicating that the delineation has been completed. At this time the applicant has the option of submitting a revised survey which includes the wetlands and/or open waters boundary to the Department. The Department will then re-issue the LOI citing the revised survey.
- As appropriate, the application shall inform the Department of known or suspected safety hazards located on any portion of the site in order to protect the safety of DEP staff who may visit the site to conduct the wetland verification which may include examination of soils, hydrology and vegetation, Examples of safety hazards include but are not limited to; hazardous materials on or

within 18" of the soil and/or water surface, fencing, barbed wire, wells or mines, presence of guard animals on site, site access difficulties due to a security clearance requirement, etc..

APPLICATION REQUIREMENTS FOR ALL LOI's:

To be deemed administratively complete, an application for a letter of interpretation must include all of the following items:

Item 1 A DLUR application form, completed in accordance with the directions on the form;

Item 2 The appropriate fee, indicated in the fee table below, paid as follows:

- The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
- For all projects except those in the Pinelands, the fee shall be made payable to "Treasurer, State of New Jersey";
- For projects in the Pinelands, the fee shall be made payable to "NJDEP-Pinelands Wetlands Program.";
- Each check, purchase order, or money order must be marked with the name of the applicant and must indicate the type of letter of interpretation (LOI) for which the application is submitted (for example "presence/absence LOI");
- If more than one permit is requested a fee break down should be included on a separate page.

Item 3 Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the stamped white postal receipt you receive when you send the item by certified mail, the signed green certified mail return receipt card or a copy of either of these two items.) 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 NJDEP;
- B. Proof that a completed copy of the notice letter found in 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; and

___ v. One of the following sets of neighboring landowners (applicant choose one option):

___ Option 1: All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site"). If this option is selected, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality;

___ Option 2: If the application is part of a joint application for an LOI and a general permit authorization, all owners of land within 200 feet of the proposed disturbance. If this option is selected, the application must also include a tax map with the location of the proposed

disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined; or

___ Option 3: If the LOI is part of a joint application for an LOI and a general permit authorization for a linear development, trail, or boardwalk; and the project is more than one half mile long, proof that both of the following have been done: A copy of the notice in Attachment A has been sent to all owners of land within 200 feet of any proposed above ground structure (not including telephone poles, power lines or similar structures), such as an access road, treatment plant, power substation, or similar structure; and a display advertisement has been published in the newspaper of record for the municipality in which the site is located and in a newspaper with regional circulation in the region in which the site is located. The advertisement shall be at least four column inches in size. Proof must be provided that the advertisement has been placed, either a copy of the advertisement or a copy of an affidavit from the newspaper stating that the advertisement was published.

Note: If a project site is located in more than one municipality or county, the notice requirements in item 3 above must be met for each municipality and/or county in which the site is located.

- Item 4 A copy of a USGS quad map, with the site clearly outlined and State Plane coordinates in NAD 1983 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 assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672 or go to their website at: <http://www.nj.gov/dep/gis/faqgeneral.htm#Gen13>.

Note: For a linear development, the list of State plane coordinates required shall include the coordinates at each end of the development and at 1,000 foot intervals along the entire length of the development.

- Item 5 An up to date county road map or local street map with the site clearly indicated;
- Item 6 The most recent municipal tax map available with the site clearly indicated;
- Item 7 A minimum of four (4) original color photographs, mounted or color photocopied on 8½ by 11 inch paper, sufficient to show a representative sample of the vegetation on the portion(s) of the site that are affected by the LOI application. The photo locations should be indicated on the survey or separate map.
- Item 8 A copy of the county soil survey map with the site clearly outlined. (Soil survey maps can be obtained from the local NJ Department of Agriculture Soil Conservation District or online through the Web Soil Survey at: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>). If not already indicated, please indicate the soil survey map number on the copy;
- Item 9 A written narrative and/or reports necessary to accurately describe the site, its location, existing site conditions, previous permits as well as any areas of Division regulatory jurisdiction;

Item 10 A document which includes the name(s) and qualifications of the person(s) who prepared the application. This must include in the case of a Line Verification, the person(s) who performed the delineation.

Note: In addition to the information required for ALL LOI's, you must supply additional documentation required for the type of LOI for which you are applying as follows:

Additional Requirements Depending on LOI Type

Presence/absence LOI for an entire site

Item A **Application/Survey Requirements:** For a presence/absence LOI for an entire site under N.J.A.C. 7:7A-3.2(c)1, no additional information is required.

Item B **Site Requirements:** The boundaries of the site shall be flagged or staked to enable Department staff to identify the site boundaries;

Presence/absence LOI for a portion of a site (Footprint of Disturbance)

Item A **Application/Survey Requirements:** For a presence/absence LOI for a portion of a site under N.J.A.C. 7:7A-3.2(c)2, in addition to the information required for all LOI's, the following information is required:

___ i. Five (5) folded copies of a topographical survey of the site; drawn at a scale of no more than 1 inch to 50 feet, prepared in accordance with N.J.A.C. 7:7A-10.1(q), signed and sealed by a licensed surveyor and which clearly shows the portion of the site ("footprint") which the applicant wishes the LOI to cover, all areas within 150' of the footprint and which reflects the site requirements below;

Item B **Site Requirements:** Sequentially numbered flags and/or stakes must be placed on the site to show the boundaries of the portion of the site (or "footprint of disturbance") that the LOI will cover so that Department staff can easily find the boundary of that portion of the site. Please note that the maximum footprint allowed under this LOI is 1 (one) acre and that the footprint must encompass ALL proposed disturbance for the project including but not limited to; clearing, grading, extent of silt fences, etc.

Line Delineation LOI for a Site Under One Acre

Item A **Application/Survey Requirements:** For a line delineation LOI under N.J.A.C. 7:7A-3.3, in addition to the information required for all LOI's, the application shall include:

___ i. Five (5) folded copies of a survey signed and sealed by a licensed surveyor, drawn at an appropriate scale and prepared in accordance with N.J.A.C. 7:7A-10.1(q), and which reflects the site requirements below;

Item B **Site Requirements:** The boundaries of the site shall be flagged and/or staked to enable Department staff to identify the site boundaries;

Item C **Digital Survey Optional:** A digital copy, georeferenced in NAD 83, of any post delineation revised survey- can also be provided in addition to the paper copies.

Line Verification LOI

Item A **Application/Survey Requirements:**

Data Sheets: For a Line Verification, the application must include data sheets for sample locations which include:

___ i. **Soil Borings:** 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;

___ ii. **Vegetation:** A description of the vegetative species on the site recorded at each soil boring location 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 Wetlands Plant List" and amendments thereto, compiled by the USFWS, United States Army Corps of Engineers, USEPA and the USDA's Natural Resources Conservation Service;

Surveys: Five folded copies of a topographical survey, drawn at a scale of no more than one inch to 100 feet prepared in accordance with N.J.A.C. 7:7A-10.1(q), signed and sealed by a licensed Surveyor and must include but not be limited to the following:

___ i. If the application is for a line verification for an entire site under N.J.A.C. 7:7A-3.4(b) 1 or 2, the survey must show the boundaries of the site. If the application is for a line verification for only a portion of a site under N.J.A.C. 7:7A-3.4(b)3, the survey must show that portion of the site and include a metes and bounds description of that portion.

___ ii. The proposed boundaries of all wetlands and/or open waters on the site must be drawn and clearly labeled on the survey and must include:

1. The flags or stakes depicted in the field identifying the wetland(s) and/or State open water(s) boundaries. Each flag must be uniquely (sequentially if possible) numbered and identified on the survey;
2. The line segments between each flag must be uniquely (sequentially if possible) numbered on the survey. The Department will assign a resource classification to each line segment as identified by its number. Please see pg. 8 for details.

___ iii. The survey shall indicate the location and identifying number of each sample location;

___ iv. The survey shall indicate topographic contours as follows:

1. If the site is located in Middlesex County or Mercer County or anywhere north of these counties, the survey must show topographic contours at intervals of no more than five feet;
2. If the site is located south of Middlesex and Mercer Counties, the survey must show topographic contours at intervals of no more than two feet;

Item B

Site Requirements:

Boundary Markers: The property boundaries and the proposed boundaries of all wetlands and/or open waters must be flagged and/or staked on the site as follows.

- ___ i. All flags and/or stakes must be present on the site prior to submission of the application to the Department.
- ___ ii. The flags and/or stakes must be no more than 75 feet apart, must be set in relation to identifiable points and landmarks if possible and from each flag and/or stake you should be able to see the adjacent ones.;
- ___ iii. Each flag and/or stake must be uniquely (sequentially if possible) numbered and identified on the survey;
- ___ iv. Flag and/or stakes shall be positioned so that they can be clearly visible at any time and any weather condition during the year, i.e. care should be taken so that flags and/or stakes are not positioned in a location likely to be covered by snow in the winter or overgrown in the summer.
- ___ v. Flags should not be tied to dead or annual vegetation.

Sample Locations: All sample locations as referenced in the data sheets must be clearly marked in the field.

Item C

Digital Survey Requirements (Optional): A digital file, georeferenced in NAD 83 of the survey can also be provided in addition to paper copies.

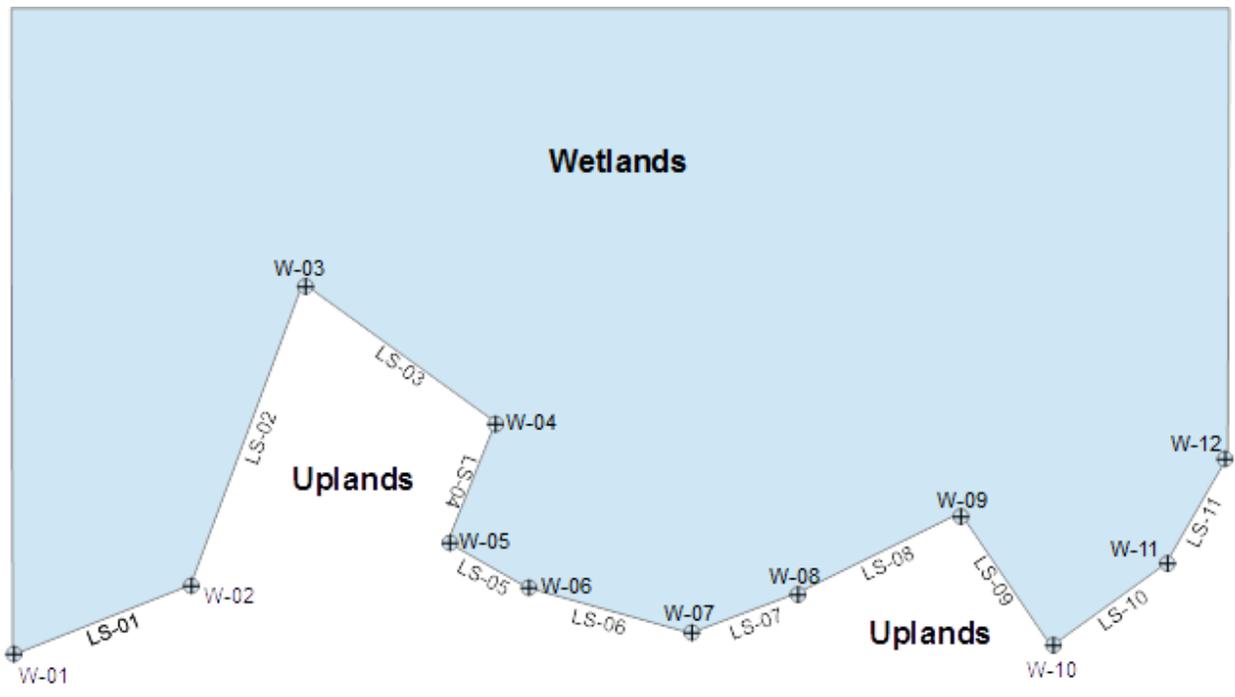
LETTER OF INTERPRETATION (LOI) APPLICATION FEES

Type of LOI	Fee
Presence/absence LOI -- whole site	\$1,000.00
Presence/absence LOI under N.J.A.C. 7:7A-3.2 -- portion of a site (AKA footprint of disturbance)	\$1,000.00
Line delineation LOI under N.J.A.C. 7:7A-3.3 – site smaller than one acre	\$1,000.00
Line verification LOI under N.J.A.C. 7:7A-3.4 – site smaller than one acre	\$1,000.00
Line verification LOI under N.J.A.C. 7:7A-3.4 – site one acre or larger	\$1,000.00 plus \$100.00 per acre ¹
LOI extension under N.J.A.C. 7:7A-3.6	
Presence/absence LOI - extension	\$500.00
Presence/absence LOI portion of a site (A.K.A. footprint of disturbance) - extension	\$500.00
Line delineation LOI site smaller than one acre - extension	\$500.00
Line verification LOI site smaller than one acre - extension	\$500.00
Line verification LOI site one acre or larger - extension	50% of the original application fee or \$500.00 – whichever is greater
LOI (any type) and a general permit authorization	Sum of applicable LOI and general permit authorization fees
LOI (any type) and an individual permit	Applicable individual permit fee

Notes:

¹When this fee table refers to a cost "per acre ", this means the cost is per acre or fraction thereof. For example, an area of one and one third acres would have the same fee as an area of two acres.

Freshwater Wetland LOI Verification: Identifying Line Segments



When preparing wetland surveys for submission, the line segments between wetland flags must be labeled. Wetland flag locations are used to verify the wetland boundary location in the field as well as confirm those locations on the survey. Line segment identifications on the survey allow the Division to assign a resource classification to a segment or range of segments rather than a wetland flag or range of flags.

In the example above, wetland flag locations as delineated and surveyed in the field are identified as flags “W-01” through “W-12” while the line segments between those flags are identified as segments “LS-01” through “LS-11”.

If in the example flags “W-01” to “W-04” were identified as an Intermediate resource value wetland and flags “W-04” to “W-12” as an Exceptional resource value wetland, flag “W-04” would be used twice to identify the break between these two resource classifications. Because of this double use of a wetlands flag location in a LOI, the Division would occasionally receive surveys for transition area waivers with incorrectly drawn wetland transition area boundaries drawn.

Identifying a resource classification by line segment removes all ambiguity. Using the example above, if we instead identify the intermediate value wetlands as line segments “LS-01” to “LS-03” and identify the exceptional resource value wetlands as “LS-04” to “LS-11”, no number duplication occurs.

Some surveyors already identify line segments. Requiring segments for all Letter of Interpretation applications should eliminate confusion when attempting to draw Wetland Transition Area buffers for future applications and will save applicants time and costly site plan modification to correct TA buffers erroneously drawn. This change also allows for the simple establishment of buffers using GIS tools.