



**State of New Jersey
Department of Environmental Protection**

Revised: January 2019

Website: www.nj.gov/dep/landuse



**FRESHWATER WETLANDS PROTECTION ACT RULES
APPLICATION CHECKLIST**

Letter of Interpretation: Line Verification

CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS

To apply for a letter of interpretation, please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
Division of Land Use Regulation
501 East State Street
Station Plaza 5, 2nd Floor
Trenton, New Jersey, 08609
Attn: Application Support

Please note: If you apply for a letter of interpretation and a permit, authorization, or waiver at the same time, the application requirements may be combined.

1. Completed application form;
2. Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17, as follows:

Notice to municipal clerk (N.J.A.C. 7:7A-17.3(a))

A copy of the entire application, as submitted to the Department, must be provided to the municipal clerk in each municipality in which the site is located.

- i. Documentation of compliance with this requirement shall consist of a copy of the certified United States Postal Service white mailing receipt, or other written receipt, for each copy of the application sent.

Notice to governmental entities and property owners (N.J.A.C. 7:7A-17.3(b) and (c))

A brief description of the proposed project, a legible copy of the site plan, and the form notice letter described at N.J.A.C. 7:7A-17.3(e)1iii must be sent to the following recipients:

- A. The construction official of each municipality in which the site is located;
- B. The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located;
- C. The planning board of each municipality in which the site is located;
- D. The planning board of each county in which the site is located;
- E. The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and
- F. **Adjacent property owners:**

Unless the LOI is submitted with an application for a project listed at N.J.A.C. 7:7A-17.3(c)1-5 (which require different notice to property owners as described in the rules), notice shall be sent to all owners

of real property, including easements, located within 200 feet of the site of the proposed regulated activity.

The owners of real property, including easements, shall be those on a list that was certified by the municipality, with a date of certification no more than one year prior to the date the application is submitted.

ii. Documentation of compliance with this requirement shall consist of:

- A. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt; and
- B. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department.

iii. The form notice letter required under N.J.A.C. 7:7A-17.3(e)1iii shall read as follows:

"This letter is to provide you with legal notification that an application for letter of interpretation <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the site shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE SITE AND ANY PROPOSED PROJECT>>

The complete permit application package can be reviewed at either the municipal clerk's office in the municipality in which the site subject to the application is located, or by appointment at the Department'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 calendar days of receiving this letter to:

*New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625
Attn: (Municipality in which the property is located) Supervisor"*

Newspaper Notice (N.J.A.C. 7:7A-17.4)

Please refer to this portion of the rules for guidance on providing newspaper notice for certain large scale linear, public, or commercial projects.

3. The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order:

- i. If not located in the Pinelands Area, made payable to "Treasurer State of New Jersey"
- ii. If located in the Pinelands Area, made payable to "NJDEP-Pinelands Wetlands Program."

4. State plane coordinates in accordance with N.J.A.C. 7:7A-16.7(a)

- i. If submitted with an application for a linear project of one-half mile or longer, include State plane coordinates at the endpoints of the project and State plane coordinates for points located at 1,000-foot intervals along the entire length of the project;
- ii. If submitted with an application for a linear project of less than one-half mile in length, include State plane coordinates at the endpoints of the project;

iii. If submitting an application for only an LOI, or an LOI and any other project, State plane coordinates at the approximate center of the site (within 50 feet of the actual center).

5. One set of color photographs showing a representative sample of the vegetation on the site or portion(s) of the site affected by the LOI application. Photographs must be mounted on 8½ -inch by 11-inch paper and accompanied by a map showing the location and direction from which each photograph was taken. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

6. Color copies of the following maps:

- i. The tax map for the property;
- ii. A copy of the portion of the county road map showing the property location;
- iii. A copy of the county soil survey map with the site clearly outlined; and
- iv. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.

7. Documentation of the name(s) and qualification(s) of the person(s) who prepared the application. For a Line Verification LOI, this includes the person who performed the delineation.

8. Data sheets for sample locations including:

- 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;

9. Survey: Five (5) folded copies of a topographical survey of the site; drawn at a scale of no more than 1 inch to 50 feet, certified in accordance with N.J.A.C. 7:7A-16.2(j), signed and sealed by a licensed surveyor pursuant to N.J.A.C. 13:40-7.2 through 7.4 and N.J.A.C. 7:7A-16.2(h) and 16.3(a)4, which:

- i. Includes the site boundaries (If applying for a line verification for an entire site) or identifies the portion of the site (which meets the requirements of N.J.A.C. 7:7A-4.5(b)2-3) subject to the verification
- ii. Proposed boundaries of all on-site wetlands, and/or State Open Waters plus all transition areas (boundary of transition area can be added prior to application or during review);
 - A. When delineating a State open water one to five feet in width measured from top of bank, with no wetland boundary, the delineation shall indicate the centerline of the State open water with several data points numbered and shown on the plans. When delineating a State open water that is greater than five feet in width, the delineation shall include two survey lines, with numbered points, depicting the top of bank on both sides of the State open water;
- iii. Depicts the flags or stakes identifying the boundaries in the field, sequentially numbered, and sequentially numbered line segments between each flag or stake;
- iv. Identifies the location and identifying number of each sample location described in item A above;
- v. Topographic contours as follows:
 - A. 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;
 - B. 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

vi. A digital copy, georeferenced in NAD 83, of any survey can also be provided in addition to the paper.

10. Site requirements:

- i. 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:
 - A. All flags and/or stakes must be present on the site prior to submission of the application to the Department;
 - B. 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;
 - C. Each flag and/or stake must be uniquely (sequentially if possible) numbered and identified on the survey;
 - D. 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.
 - E. Flags should not be tied to dead or annual vegetation.
- ii. Sample locations: All sample locations referenced in the data sheets must be clearly marked in the field.

11. Isolated wetland: If the applicant would like the Department to verify that a wetland is an isolated wetland, a request for that determination, and supporting documentation demonstrating that the wetland is isolated. For example, if inlets or pipes are present in the vicinity of the subject wetland, a map of the storm sewer system depicting the endpoint and invert elevations of the inlet or pipe.