



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
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<http://www.nj.gov/dep/landuse/>



HIGHLANDS PRESERVATION AREA APPROVAL APPLICATION CHECKLIST

(updated 02/11/16)

A Highlands Preservation Area Approval means a permit to engage in a regulated activity in the Highlands preservation area issued pursuant to the Highlands Water Protection and Planning Act and Rules. This checklist should be used for all elements of a Highlands Preservation Area Approval. This includes any site that is regulated pursuant to the Highlands Water Protection and Planning Act and that has secured all other necessary elements of a Highlands Preservation Area Approval (i.e. Division of Watershed Management and Water Supply Administration elements). Please use only the sections of the checklist that apply to the proposed project.

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

APPLICATION REQUIREMENTS

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

- ___ 1. A completed copy of this checklist;
- ___ 2. A LURP-2 application form, completed in accordance with the directions on the form;
- ___ 3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at www.state.nj.us/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;
- ___ 4. 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 (if a project is located in more than one municipality or county, the notice requirements below must be met for each municipality and county in which the site is located):
 - ___ A. Proof that the municipal clerk has been sent a copy of the entire application and supporting documents submitted to the Department;
 - ___ B. Proof that the Highlands Council has been sent a copy of the entire application and supporting documents to the Department;
 - ___ C. Proof that a completed copy of the notice letter found in the Highlands Attachment A has been sent to each of the following:
 - ___ 1. The municipal environmental commission (if one exists);
 - ___ 2. The municipal planning board;
 - ___ 3. The municipal construction official;
 - ___ 4. The county planning board;
 - ___ 5. The county mosquito control agency (if proposing stream encroachment or freshwater wetlands individual permit or open water fill activities);
 - ___ 6. The county environmental commission (if one exists);
 - ___ 7. 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 chosen, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality and less than 90-days old;
 - ___ D. For proposed projects in a Highlands open water that is also a flood hazard area as defined at N.J.A.C. 7:38-3.7(a), notification shall be provided to:
 - ___ i. The Municipal engineer;
 - ___ ii. The County engineer;

- ___ iii. The local County Soil Conservation District;
- ___ iv. The municipal clerk, planning board, and construction official for the municipality on the other side of the watercourse from the site and within one mile downstream on both sides of the waterway;
- ___ E. For proposed activities in a Highlands open water that is also a freshwater wetlands in accordance with N.J.A.C. 7:7A:
 - ___ 1. Proof that a display advertisement has been published in the newspaper of record for the municipality in which the site is located. The advertisement shall be at least four column inches in size and shall include all of the information required in the notice letter in Highlands Attachment B. The applicant shall provide the Department with a copy of the advertisement and an affidavit from the newspaper, Identifying the dates on which the advertisement was published;
 - ___ 2. If the project involves more than ten acres of disturbance, an affidavit of publication proof that the notice in Highlands Attachment B has been published in a newspaper with regional circulation;
- ___ 5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle map, including title name of Quad, or GIS coverage and the State Plane coordinates in NAD 1983 for a point at the center of the site. 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 endpoints of those projects, which are 1,999 feet or less, and for those projects which are 2,000 feet or longer, additional coordinates at each 1,000-foot interval. For assistance in determining the State plane coordinates for a site, see the IMAP webpage at nj.gov/dep/gis/depsplash.htm;
- ___ 6. Two copies of a recent county road map or local street map, with the site clearly marked;
- ___ 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, as well as the area of disturbance for the proposed activities. A minimum of ten photographs is required;
- ___ 8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s);
- ___ 9. A copy of the Highlands Applicability Determination issued by the Department, or, in the case where an applicant does not have an applicability determination because he or she stipulated under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, the information required at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c);
- ___ 10. If the proposed project or activity requires new or modified water supply allocation permits please visit the Highlands website for the checklists to apply for these permits;
- ___ 11. Information and/or certifications regarding the presence or absence of rare, threatened or endangered species habitat, ecological communities, historic or archaeological resources, or other features on the site relevant to determining compliance with the requirements of this chapter. This information shall include but not be limited to a letter from the Natural Heritage Program indicating

the presence or absence of any rare, threatened or endangered species or ecological communities listed in the Natural Heritage Database on or near the site;

- 12. When an applicant intends to rebut the presumption of rare, threatened or endangered species habitat on the applicant's site as set forth at N.J.A.C. 7:38-5.1(a), all habitat evaluation information pursuant to N.J.A.C. 7:38-5.1(b);

- 13. Any other information not listed herein, that the applicant or the Department deems necessary to demonstrate compliance with this rule or the Federal rules governing the Department's assumption of the Federal 404 program at 40 CFR §233.30. In addition, the Department may require any information necessary to clarify information previously submitted, to ensure compliance with State and/or Federal law, or to determine whether an application meets State and/or Federal standards;

- 14. The following information on the location of special Highlands resources on the site:
 - A. A Highlands Area Resource Determination (HRAD) if one has been issued for the site;
or
 - B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification HRAD. The delineation of Highlands open waters with 300-foot buffers, forests, slopes between 10% and 20% and those greater than or equal to 20% required by the HRAD application checklist shall be drawn onto the site plan required in item 12 below. A formal delineation report is not required. However, the application must include the data sheets and supporting information used to record the information on soils and vegetation which formed the basis for the boundary determination
 - C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the Department for the site under N.J.A.C. 7:7A-3, this may be submitted instead of an HRAD so long as the applicant also provides information regarding any additional HRAs not previously identified in the LOI;
 - D. If no Freshwater wetlands LOI or HRAD has been issued and the site does not contain Highlands open waters, no delineation or other information is required;
 - E. If no Freshwater or HRAD has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist;

- 15. Six copies of a detailed project description including:
 - A. The purpose and intended use of the proposed project;
 - B. A description of the regulated activities necessary to complete and operate or occupy the proposed project;
 - C. A description of any structures to be erected, and how they will be used;
 - D. A schedule for the progress and completion of the proposed project;
 - E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any);

- ___ F. The total area of upland forest area on the site and the total area of upland forest area that will be disturbed or destroyed as a result of the proposed activities;
- ___ G. The amount of pre-development impervious coverage on the site and the total aggregate impervious coverage on the site following completion of the proposed project;
- ___ H. A description of slopes between 10% and 20% and 20% or greater that are present on the site and all proposed activities that will disturb these slopes;
- ___ I. An evaluation of whether and how rare, threatened or endangered animals or plant species or ecological communities will be affected by the proposed activities;
- ___ J. An architectural or Phase I archaeological survey for the applicants proposing work that will impact historic structures in accordance with N.J.A.C. 7:38-3.10(c) or Archaeological resources in accordance with N.J.A.C. 7:383.10(d);
- ___ K. A Phase II archaeological survey for applicants that discover archaeological features resources as a result of the Phase I archaeological survey as described at N.J.A.C. 7:38-3.10(e);
- ___ L. The names, addresses and professional qualifications of those used to prepare the detailed project description or any other portion of the application;
- ___ M. If any or all of the proposed project or activity is in a flood hazard area the following is required:
 - A description of all anticipated access points along trout-associated waters and subsequent near-stream disturbance, as well as all in-channel soil erosion measures;
 - Adverse effects of any stormwater management basins on the stream's biota and on mosquito breeding;
 - An evaluation and mitigation plan if acid-producing soils will be exposed;
- ___ N. In most cases the extent of the floodplain must be known. Please check one of the following:
 - Floodplain was taken from a State flood hazard area delineation. (State flood hazard area maps are available at (609) 292-2296);
 - Floodplain was taken from a non-tidal FEMA map that shows flood elevations in a fully developed watershed. (FEMA flood maps are available at (800) 358-9616);
 - Floodplain is unknown and calculations have been submitted to delineate it;
 - Floodplain is unknown and does not need to be delineated for the project. (Explain why);
- ___ 16. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following:
 - ___ A. All existing structures on the site and on all immediately adjacent lots;
 - ___ B. All proposed structures, disturbances, and activities;
 - ___ C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines;

- ___ D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes 10% to 20% and slopes greater than 20% in accordance with the requirements of HRAD line verification. A Highlands Area Resource Determination issued by the Department that shows the Highlands open water boundary, forest boundary slopes 10% to 20% and slopes greater than 20% may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines;
 - ___ E. A calculation of total existing and proposed percent impervious surface for the entire site (Highlands open waters can be deducted from total land area). "Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements;
 - ___ F. The area which will be used for the proposed activity or discharge;
 - ___ G. The location of the site in relation to development in the region;
 - ___ H. The scale of the plan and a north arrow;
 - ___ I. Soil erosion/sediment control details;
 - ___ J. The name of all persons who prepared the plan and the date of preparation;
 - ___ K. The name of the applicant, and municipal lot(s) and block number(s) of the project site;
 - ___ L. For projects in a flood hazard area plans must also:
 - ___ 1. Reference 1929 NGVD;
 - ___ 2. Provide all cross sections, profiles and all relevant details referenced in the engineering report (see item 28).
- ___ 17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted. This proposal may be submitted with the application or it may be submitted later. However, no permitted activities may begin until the Department has approved a mitigation proposal;
- ___ 18. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service approving the proposed activities. In the Highlands Preservation Area, the Musconetcong River is under study for wild and scenic river designation as of August 1, 2001. Contact the Department for more detailed information on wild and scenic rivers;
- ___ 19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments as defined at N.J.A.C. 7:8-1.2. See www.njstormwater.org for more information. All calculations must:
- Be signed and sealed by a NJ licensed PE;
 - Explain how the groundwater recharge, runoff quantity and water quality standards at N.J.A.C. 7:8 are met (as described below); and
 - Detail how TSS removal is achieved, provide detention, retention and infiltration calculations for all basins, and compare existing and proposed recharge and discharge rates;
- ___ A. Check (and explain) if project is:
- ___ 1. Exempted at N.J.A.C. 7:8-5.2(d) (if so skip remainder of 21); or
 - ___ 2. Waived at N.J.A.C. 7:8-5.2(e);

- ___ B. Enter the total amount of land that will be disturbed on site: _____ ft² or acres (circle one). If at least 1 acre (43,560 ft²) of land will be disturbed on site, submit the following:
- ___ 1. One completed Low Impact Design checklist (see Appendix A of BMP manual at www.njstormwater.org);
 - ___ 2. One copy of a USGS map, showing the site and its HUC-14 watershed, and indicating any 300-ft buffers on site;
 - ___ 3. Proof that the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2 are met (unless exempted at 5.4(a)2ii);
 - ___ 4. Proof that the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3 are met;
- ___ C. Enter the total amount of impervious area proposed on site: _____ ft² or acres (circle one). Include all proposed new impervious areas, as well as existing impervious areas from which stormwater currently sheet flows, but which will now be collected into a basin and/or storm sewer system. Use impervious area as defined in the stormwater management rules (which generally includes only pavement, buildings and concrete and does not include gravel or dirt surfaces). If at least ¼ acre (10,890 ft²) of such impervious area is proposed, submit all material in item 21B above and also the following:
- ___ 1. Proof that the water quality standards at N.J.A.C. 7:8-5.5 are met;
- ___ 20. A copy of all past Department approvals for activities on the site;
- ___ 21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;

This section of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13.

NOTE: The Highlands Act establishes a zero net fill requirement for flood hazards areas pursuant to the “Flood Hazard Area Control Act,” P.L. 1962, c.19(C. 58:16A-50 et seq.)

For stream encroachment activities pursuant to N.J.A.C. 7:13, the following additional information is required:

- ___ 22. Hydrologic and hydraulic calculations are generally required if any of the following occur. Please check all that apply:
- ___ A. The peak 100-year flow in the stream will be significantly increased or decreased;
 - ___ B. The size, shape, skew, location and/or alignment of the stream channel will be altered;
 - ___ C. A new bridge or culvert will be constructed where none currently exists;
 - ___ D. A replacement bridge or culvert will be constructed that is different in size, length, shape, material, skew, location and/or alignment from the existing structure;
 - ___ E. The floodplain limits are unknown and need to be delineated in order to demonstrate compliance with the requirements of the rules, such as for net-fill calculations or determining lowest floor elevations;

___ F. The floodplain limits are unknown and need to be delineated to establish stream encroachment lines;

___ 23. An engineering report must be submitted if detailed calculations (described below) are required to demonstrate compliance with the flood hazard area rules. This report must:

- Be signed and sealed by a NJ licensed professional engineer;
- Detail all regulated activities on site and clearly explain how the submitted calculations demonstrate compliance;
- Detail the remedial or alternate techniques and measures that are proposed in compensation if any rule is not satisfied;
- Include complete printouts (and electronic copies if possible) of all calculations.

Check all that apply:

___ A. Net-fill calculations if any fill is proposed within the flood hazard area (unless it is evident upon inspection of the site plans - and without review of calculations - that the project meets the 0% net-fill requirements). Explain the methodology used to demonstrate compliance. Include existing/proposed flood fringe volumes and depict all cross-sections;

___ B. Stormwater management calculations (see item 19 above);

___ C. Hydrologic and hydraulic calculations (see item 27 above). Include any State or FEMA flood maps and profiles that were utilized (with site clearly marked to scale). If flow rates were determined for a stream, depict the contributory drainage area on USGS maps and provide a hydrologic description of the watershed;

___ D. Stability analysis for any retaining wall that is over 4 ft high. Include both sliding and overturning analyses;