



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A
PO Box 420
Trenton, NJ 08625-0420
Fax# (609)-777-3656
www.nj.gov/dep/landuse/



INDIVIDUAL FRESHWATER WETLANDS PERMIT INDIVIDUAL OPEN WATER FILL PERMIT

APPLICATION CHECKLIST AND FEE TABLE

(Updated 12/2010)

To complete this checklist, you will need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

Attachment B: Form for providing newspaper notice of an application

Attachment C: List of municipalities with swamp pink plants

Attachment D: List of municipalities with bog turtles

LURP2 Form: Application form

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 LURP2 application form as the applicant must 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.

NOTE: The term "site," when used in this application checklist, has the meaning set forth for that term at N.J.A.C. 7:7A-1.4.

APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for an individual freshwater wetlands or open water fill permit must include all of the following items:

- 1. A LURP2 application form, completed in accordance with the directions on the form;

- 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;
 - 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;
 - Each check, purchase order, or money order must indicate the permit for which the application is submitted (for example, "freshwater individual permit");
 - If more than one permit is requested a fee break down should be included on a separate page.

- 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, or the signed 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 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;
 - ___ v. The county mosquito control agency;
 - ___ vi. The county environmental commission (if one exists); and
 - ___ vii. 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 chosen, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality; or
 - Option 2 ___ All owners of land within 200 feet of the disturbance.
 - If this option is chosen, 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;

- C. 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 Attachment A;
 - To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published; and
- D. If the project involves more than ten acres of disturbance, proof that the notice in Attachment B has been published in a newspaper with regional circulation;

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.

- 4. A copy of a USGS quad map, with: the site clearly outlined; and State Plane coordinates 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. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.

Note: For a linear development, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.

- 5. An up to date county road map or local street map, with the site clearly indicated;
- 6. Original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and the area that will be disturbed by the proposed activities. A minimum of ten photographs is required;
- 7. The following information on the location of wetlands on the site:
 - A. A line delineation LOI issued under N.J.A.C. 7:7A-3.3, or a line verification LOI issued under N.J.A.C. 7:7A-3.4; or
 - B. If no LOI has been issued for the site, or if only a presence/absence LOI has been issued, include all information required for an application for a line delineation LOI or line verification LOI. The wetlands line shall be show and labeled on the site plan required below;
 - C. The total area, in acres, of wetlands and State open waters on the site before the regulated activity is performed, and the total area, in acres, of wetlands and State open waters, on the site that will remain after the regulated activity is performed.
- 8. Ten copies of a detailed project description including:
 - A. The purpose and intended use of the proposed project;
 - B. A description of the proposed activities involved in completing the 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 freshwater wetlands and/or state open waters on the site;

- F. The total area of freshwater wetlands and/or State open waters proposed to be disturbed;
- G. A statement indicating whether the proposed project is a "water-dependent activity", as defined at N.J.A.C. 7:7A-1.4;
- H. If a site is known or suspected to be contaminated with toxic substances, and if the Department requests it, a laboratory analysis of representative samples of the soil or sediment on the site;

- 9. Ten copies of a detailed alternatives analysis demonstrating compliance with N.J.A.C. 7:7A-7.2The alternatives analysis shall include:
 - A. A description of all alternatives considered, including offsite alternatives as well as onsite alternatives that could minimize environmental impacts on the site, and the reasons for rejecting each alternative;
 - B. Information regarding the history of the property as a whole, as necessary to evaluate the cost to the property owner of various alternatives. Such information may include:
 - i. Document(s) showing when the property as a whole, as defined at N.J.A.C. 7:7A-1.4, was acquired and its purchase price;
 - ii. Documentation of any investments made to maintain and/or develop the property as a whole;
 - iii. Documentation of attempts by the property owner to sell the property or to obtain other property; and
 - C. Documentation of the environmental impacts of the proposed project, and of ways to minimize those impacts
- 10. Information regarding whether other approvals are required for the activities by Federal, interstate, State and local agencies for the activity; information regarding whether any such approvals or denials have been received; and information regarding whether the proposed activities are consistent with the rules, plans, or policies of other Federal, interstate, State and local agencies:
- 11. Ten copies of an explanation of how the proposed project will meet each of the requirements listed at N.J.A.C. 7:7A-7.2(b)1 through 15 and (c);
- 12. If the proposed project is not a "water-dependent activity", as defined at N.J.A.C. 7:7A-1.4, submit ten copies of documentation that all of the following criteria are met:
 - A. The basic project purpose cannot reasonably be accomplished using one or more other sites in the general region that would avoid or reduce the adverse impact on an aquatic ecosystem;
 - B. The basic project purpose cannot reasonably be accomplished if there is a reduction in the size, scope, configuration, or density of the project as proposed;
 - C. The basic project purpose cannot reasonably be accomplished by an alternative design that would avoid or reduce the adverse impact on an aquatic ecosystem; and
 - D. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as inadequate zoning, infrastructure, or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints;

- 13. If the proposed project will take place in an exceptional resource value wetland or trout production water, and the project is not a "water-dependent activity", as defined at N.J.A.C. 7:7A-1.4, the applicant must submit ten copies of documentation (in addition to the information required under item 12 above) that one or both of the following criteria are met:
 - A. There is a compelling public need for the proposed activity greater than the need to protect the freshwater wetland or trout production water, and that need cannot be met by essentially similar projects in the region which are under construction or expansion, or which have received the necessary governmental permits and approvals; or
 - B. Denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property;

- 14. Ten copies of a description of best management practices, as defined at N.J.A.C. 7:7A-1.4, by which the applicant proposes to prevent or reduce the adverse environmental effects of the proposed activity on freshwater wetlands, transition areas, State open waters, and adjacent habitats;

- 15. Ten copies of a list of all plants, fish and/or wildlife in the portion of the site that will be affected by the proposed activities, which may be dependent on water quality and/or quantity;

- 16. Ten copies of a list and description of all freshwater wetlands, vegetative communities, special aquatic sites (as defined at N.J.A.C. 7:7A-1.4), public use areas, wildlife refuges, and potable water intakes on the site or adjacent to the site, which may require special protection or preservation;

- 17. A copy of the deed and/or other relevant documents pertaining to the site, showing property boundaries, ownership, easements, restrictions, previous approvals by any local, federal, interstate or state agency, and any other information relating to the site that will assist the Department in assessing compliance with the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A;

- 18. Ten folded copies of a site plan or subdivision map, signed and sealed by a licensed surveyor and, where appropriate, a licensed engineer, showing:
 - 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, uplands, roads, and utility lines;
 - D. A complete delineation of the wetlands boundary in accordance with the requirements of letter of interpretation line verification. A letter of interpretation issued by the Department which show the wetlands boundary may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved line;
 - E. The area which will be used for the proposed activity or discharge;
 - F. The location of the site in relation to development in the region;
 - G. The scale of the plan and a north arrow;

- H. The name of all persons who prepared the plan and the date of preparation;
- I. The name of the applicant, and municipal lot(s) and block number(s) of the project site;

- 19. Ten folded copies of a cross-sectional view of the proposed area of disturbance, showing:
 - A. Existing water elevations of the wetlands or open water;
 - B. Existing water depths at the waterward face of the proposed activities, or if dredging is proposed, show the dredging grade;
 - C. Cross-section of fill;
 - D. Elevation of dredged material disposal areas;
 - E. Location of wetlands and State open waters;
 - F. Delineation of disposal site; and
 - G. A complete title block stating the municipality, county; name of applicant; and date the plan was prepared.

- 20. Ten copies of a description of the source and location of any dredged material or fill material, as those terms are defined at N.J.A.C. 7:7A-1.4, that will be discharged on the site, or that will be dredged or excavated on the site, including:
 - A. The method of dredging used, if any;
 - B. The type, composition and quantity of the material;
 - C. The proposed method of transporting the dredged or fill material; and
 - D. The method of disposal of the material, including the type of equipment to be used;

- 21. A mitigation proposal that meets the requirements of N.J.A.C. 7:7A-15. The mitigation 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;

- 22. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias Bullata*) (these municipalities are listed in Attachment C), the application must also include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;

- 23. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Attachment D), the application must also include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;

- 24. If the application is for a proposed project that has disturbances of ¼ acre impervious surface in freshwater wetlands and/or transition area **or** if the total pervious and impervious disturbance to wetlands and/or transition is greater than an acre **or** if more than ¼ acre of impervious surface drains to any outfall requiring a general permit 11 the applicant must submit a Stormwater Report that proves the proposed project meets the Water Quality Standards at N.J.A.C. 7:8 and a full set of construction site plans.

In addition to the above the following must be submitted

Stormwater management must be provided in certain cases as described below. See www.njstormwater.org for more information. (Note: if your freshwater wetlands application is being submitted jointly with a stream encroachment, waterfront development and/or CAFRA application, different means of determining whether the Stormwater Management rules may apply.)

A. Check (and explain) if the project:

- Is exempt from the stormwater rules at N.J.A.C. 7:8-5.2(d). (In such cases, you do not need to complete the rest of this section.)
- Meets the waiver requirements for public roadway improvements at N.J.A.C. 7:8-5.2(e).

B. Enter the total amount of land that will be disturbed (as described below):

_____ ft² or acres (circle one).

“Disturbance” means the sum of the following:

- The total amount of proposed disturbance within freshwater wetlands, transition areas and open waters onsite.
- The total amount of proposed disturbance onsite, if runoff from the disturbed area will be collected and discharged into freshwater wetlands, transition areas or open waters.

If at least 1 acre (43,560 ft²) of land will be disturbed, as described above, submit the following (in the engineering report):

- One completed Low Impact Design checklist (see Appendix A of BMP manual at www.njstormwater.org).
- One copy of a USGS map, showing the site and its HUC-14 watershed and indicating any 300-ft buffers onsite.
- Proof that the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2 are met (unless exempted at N.J.A.C. 7:8-5.4(a)2ii).
- Proof that the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3 are met (unless the project lies in a tidal floodplain and will cause no adverse impacts to flooding, as described at N.J.A.C. 7:8-5.4(a)3iv).
- Proof that the use of nonstructural stormwater strategies has been maximized onsite via one of the following:
- A completed Nonstructural Stormwater Strategies Point System spreadsheet (see www.njstormwater.org).
- A detailed narrative (including an alternative analysis where necessary), explaining how the project does (or does not) implement all nine nonstructural strategies required at N.J.A.C. 7:8-5.3.

C. Enter the net-increase in impervious area onsite (as described below):

_____ ft² or acres (circle one).

“Impervious areas” means the sum of the following:

- The total amount of proposed impervious areas within freshwater wetlands, transition areas and open waters onsite.

- The total amount of proposed impervious areas onsite, if runoff from the impervious areas will be collected and discharged into freshwater wetlands, transition areas or open waters. Include all new impervious areas onsite, as well as existing impervious areas from which stormwater currently sheet-flows, but which will be collected into a basin or storm sewer system. Subtract any impervious areas being removed onsite, if runoff from the area to be removed is currently collected and discharged into within freshwater wetlands, transition areas and open waters.

If a net-increase of at least $\frac{1}{4}$ acre (10,890 ft²) of impervious area will occur, as described above, submit all material in Part B above and the following:

- Proof (in the engineering report) that the water quality standards at N.J.A.C. 7:8-5.5 are met.

D. Complete a Stormwater Review Fee worksheet to calculate the appropriate stormwater review fee

- 25. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, submit a letter from the National Park Service approving the proposed activities.
 - As of August 1, 2001, the water bodies containing designated wild and scenic river areas in New Jersey are:
 - The Maurice River and tributaries;
 - The Great Egg Harbor River and tributaries
 - Portions of the Mullica/Lower Atsion River; and
 - Portions of the Delaware River.
 - Contact the Department at the above address for more detailed information on wild and scenic rivers.

- 26. Applications reflecting any of the characteristics at N.J.A.C. 7:7A-12.2(l)1-5 shall be deemed to present a high probability of the presence of historic and archaeological resources, requiring assessment and shall require, with the wetlands permit application, the submittal of a Phase IA historical and archaeological survey, and an architectural survey, defined at N.J.A.C. 7:7A-1.4. Please see N.J.A.C. 7:7A-12.2(l), (m), (n), (o) and (p) for more details.

For more information, see the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A.

**INDIVIDUAL FRESHWATER WETLANDS PERMIT
INDIVIDUAL OPEN WATER FILL PERMIT
APPLICATION FEES**

Type of approval	Fee
Individual freshwater wetlands or open water fill permit	\$2,400.00 ¹ plus \$240.00 per 1/10 ² acre affected ³
Individual permit extension	\$1,200.00
Minor modification	\$240.00
Major modification	25 percent of the application fee originally charged for the approval that is being modified, or \$240.00, whichever is higher

Notes:

1. Plus, as applicable, the additional fees for major developments as defined at N.J.A.C. 7:8-1.2
2. Cost "per 1/10 acre" means the cost is per tenth of an acre or fraction thereof, such that an area of 0.12 acres would have the same fee as an area of 0.2 acres.
3. When this fee table refers to an "acre affected", this means an acre of freshwater wetlands or State open water that will be affected by a regulated activity.