

Regulatory Fee Schedule

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION

Website: www.state.nj.us/dep/landuse

Revised October 21, 2010

All permit fees shall be paid by check or money order; made payable “Treasurer, State of New Jersey” and submitted to:

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

Overnight Mailing Address:
501 E. State Street
Trenton, NJ 08609

The Program issues permits through specific State laws. They are:

1. The Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.)
2. The Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.)
3. The Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.)
4. The Waterfront Development Law (N.J.S.A. 12:5-3 et seq.)
5. The Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.)
6. The State Clean Water Act (N.J.S.A. 58:10-A-1 et seq.)

For projects requiring review pursuant to the Stormwater Management Rules, N.J.A.C. 7:8, see Section 4. For projects requiring more than one Program permit or waiver see Section 5 entitled “Multiple Permits”.

Section 1 – Freshwater Wetlands

A fee is required pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) of the review of permit applications, letters of interpretation and certain exemption requests.

Each check or money order must be marked to identify the nature of the submittal for which the fee is being paid and the name of the applicant.

1. Letter of Interpretation Fees

- (a) To determine if wetlands are present or absent, the fee is \$240.00;
- (b) To determine if wetlands or transition areas are present or absent in a footprint of land, the fee is \$480.00;
- (c) For verification or delineation of a wetland boundary line for a parcel of land less than one acre, the fee is \$600.00;

- (d) For verification of proposed wetland boundary line on a parcel of one acre or more, the fee is \$600.00 plus \$84.00 per acre or any fraction thereof, with a total not to exceed \$60,000.00; and
- (e) For a request for the reissuance of a letter of interpretation, the fee is 25 percent of the original fee or \$240.00; whichever is larger.

(Note: NJDEP does not delineate wetlands boundaries on properties of one acre or more, but will verify proposed lines.)

2. Individual Freshwater Wetlands Permit Application Fees

- (a) For any regulated activity the fee is \$2,400.00 plus \$240.00 per one-tenth acre, or any fraction thereof, of the freshwater wetlands or transition area to be affected by the proposed activity, plus, as applicable, the additional fees for major developments.
- (b) Extension of an Individual Freshwater Wetlands Permit is \$1200.00.

3. Open Water Fill Permit Application Fees

- (a) For review of an individual Open Water fill Permit application, the fee is \$2,400.00 plus \$240.00 per one-tenth acre, or any fraction thereof, of State open water affected by the proposed discharge of dredge or fill material.
- (b) Extension of an Individual Open Water Fill Permit is \$1200.00.

4. Individual Water Quality Certificate

- (a) For review of an individual Open Water fill Permit application, the fee is \$2,400.00 plus \$240.00 per one-tenth acre, or any fraction thereof, of State open water affected by the proposed discharge of dredge or fill material.
- (b) Extension of an Individual Water Quality Certificate is \$1200.00.

5. General Permit Fees

- (a) For review of proposed activity covered by a General Permit application, the fee is \$600.00 plus, as applicable, the additional fees for major developments;
- (b) If a proposed project requires more than one type of general permit authorization, the fee shall be \$600.00 for the first general permit and \$240.00 for each additional general permit;
- (c) There is no fee for General Permit #16 (habitat creation and enhancement activities), #17 on PUBLIC lands (trails and boardwalks) or 25 (repair or alteration of malfunctioning individual subsurface sewage disposal systems).
- (d) Extension of a General Permit: \$240.00.

6. Exemption Letter Request Fees

For the review and procession of a request for an exemption letter certifying that a project is exempt from freshwater wetlands or open water fill permit requirements, or from transition area requirements, the fee is \$240.00.

7. Transition Area Waiver Fees

The fees for the review and processing of a transition area waiver application are as follows plus, as applicable, the additional fees for major developments:

- (a) Projects with a completed Letter of Interpretation, either delineating or confirming the wetlands boundary.
 - 1. For a property or right-of-way of one acre or less the fee is \$240.00;
 - 2. For a property or right-of-way over one acre the fee is \$600.00 plus \$48.00 per acre, or any fraction thereof, of the standard transition area proposed to be modified; and
 - 3. For review of application for more than one type of Transition Area Waiver the fee shall be \$600.00 plus \$48.00 per acre, or any fraction thereof, of the standard transition area proposed to be modified, plus \$240.00 for each additional special activity waiver.

- (b) Projects with a Letter of Interpretation identifying only the presence or absence of wetlands, State open waters and/or transition areas: the acreage figures are based on the size of the project site.
 - 1. For a property or right-of-way of one acre or less, the fee is \$840.00.
 - 2. For a property or right-of-way over one acre, the fee is \$1080.00 plus \$96.00 per acre, or any fraction thereof, of the total property.

- (c) Projects without a Letter of Interpretation. The acreage figures are based on the size of the project site.
 - 1. For a property or right-of-way of one acre or less, the fee is \$840.00;
 - 2. For a property or right-of-way over one acre, the fee is \$1080.00 plus \$96.00 per acre, or any fraction thereof, of the total property; and
 - 3. For the review of application for more than one type of Transition Area Waiver, the fee shall be \$1080.00 plus \$96.00 per acre, or any fraction thereof, of the total property plus \$240.00 for each additional special activity waiver.

- (d) Extension of a Transition Area Waiver: \$240.00

8. Permit Modification

- 1. For a minor modification of an individual permit or waiver the fee is \$240.00.
- 2. For a general permit authorization modification the fee is \$240.00
- 3. For a major modification of an individual permit or waiver the fee is 25 percent of the application fee originally charged for the approval that is being modified, or \$240.00, whichever is higher

9. Inspection

If more than one inspection by the Department is necessary because of any act or omission of the applicant, the Department may assess an additional fee for each additional visit in an amount not

to exceed \$1,000.00. No application for a letter of interpretation, approval, certificate or permit shall be reviewed or considered until this fee has been paid.

Section 2 – Flood Hazard Area

The Division of Land Use Regulation charges fees as established at N.J.A.C. 7:13-17.1 for the review of flood hazard area applications according to the following schedule. The fee for a flood hazard area application is calculated by adding the separate fee for each project element or type of application. There is also a separate fee for the review of stormwater management calculations for any project that qualifies as a “major development” under the Department’s Stormwater Management rules at N.J.A.C. 7:8-1.2.

1. Verification (N.J.A.C. 7:13-6)

Type of Verification	Fee
Method 1 (Department delineation method)	\$500.00
Method 2 (FEMA tidal method)	\$500.00
Method 3 (FEMA fluvial method)	\$500.00
Method 4 (FEMA hydraulic method)	\$3,000 plus \$300.00 per each 100 linear feet of channel (or portion thereof)
Method 5 (Approximate method)	\$500.00
Method 6 (Calculation method)	\$3,000 plus \$300.00 per each 100 linear feet of channel (or portion thereof)

Note: The \$500.00 fee for methods 1, 2, 3 and 5 above does not apply if the verification application is submitted concurrently with either of the following:

1. An application for any general permit authorization for which verification of the flood hazard area is required to determine compliance with the general permit; or
2. An individual permit application solely for the construction of one private residence (which is not being constructed as part of a larger residential subdivision), the construction of a residential addition and/or the construction of a building appurtenant to a private residence, such as a garage, barn or shed.

2. General Permit Authorization (N.J.A.C. 7:13-8)

Type of General Permit	Fee
General permits 1 and 6	No fee
General permits 2A, 2B, 2C, 2D, 2E, 2F, 2G, 3, 4, 5, 7, 8, 9 and 10	\$500.00

3. Individual permit (N.J.A.C. 7:13-9 through 11)

Project Element	Qualifier	Fee
Bank stabilization, reestablishment, or protection	Review of hydrologic and/or hydraulic calculations necessary	\$3,000 plus \$300.00 per each 100-foot segment of channel (or portion thereof)
	Review of hydrologic and/or hydraulic calculations not necessary	\$1,000
Bridge, culvert, footbridge, low dam or other water control	Review of hydrologic and/or hydraulic calculations necessary (except as noted below)	\$4,000

structure (including up to 200 feet of channel modification if necessary for the placement of the water control structure)	Review of hydrologic and/or hydraulic calculations necessary for a bridge or culvert that provides access to one private residence (which is not being constructed as part of a larger residential subdivision)	\$2,000
	Review of hydrologic and/or hydraulic calculations not necessary	\$1,000
Channel modification	Review of hydrologic and/or hydraulic calculations necessary	\$3,000 plus \$300.00 per each 100-foot segment of channel (or portion thereof)
	Review of hydrologic and/or hydraulic calculations not necessary	\$1,000
Excavation, fill and/or grading	Review of net fill calculations necessary (except as noted below)	\$4,000
	Review of net fill calculations not necessary and project consists solely of excavation, fill and/or grading	\$1,000
	Review of net fill calculations necessary and project consists solely of one private residence that is not being constructed as part of a larger residential subdivision (including any appurtenant structure such as a garage, barn or shed)	No fee
	Review of net fill calculations necessary for a bridge or culvert where review of hydrologic and/or hydraulic calculations is also necessary	No fee
Hardship exception	Request associated with one private residence that is not being constructed as part of a larger residential subdivision (including any appurtenant structure such as a garage, barn or shed)	No fee
	All other requests	\$4,000
Private residence	One private residence that is not being constructed as part of a larger residential subdivision (including any appurtenant structure such as a garage, barn or shed)	\$1,000
	Addition and/or new appurtenant structure to an existing private residence, such as a garage, barn or shed	\$1,000
Retaining wall	Extending 4 feet or more above ground	\$4,000
	Extending less than 4 feet above ground	\$1,000
Sediment removal from a channel	Each sediment removal project	\$1,000 plus \$100.00 per each 100-foot segment of channel (or portion thereof) not to exceed \$4,000
Stormwater discharge structure	Each stormwater discharge structure (including any conduit outlet protection	\$1,000

	and/or conveyance channel)	
Utility line	Each crossing	\$1,000
Any other activity	Each project element	\$1,000

4. Revision of a verification, general permit authorization or individual permit (N.J.A.C. 7:13-13.1 through 13.3)

Qualifier	Fee
Each major revision	Fifty percent of the original permit application fee for each project element to be revised
Each minor revision	\$200.00 per element to be revised

5. Revision of a Department delineation (N.J.A.C. 7:13-13.4)

Qualifier	Fee
Each major revision	\$3,000 plus \$300.00 per each 100-foot segment of channel (or portion thereof) to be re-delineated
Each minor revision	\$200.00

6. Transfer an approval (N.J.A.C. 7:13-14.1)

Qualifier	Fee
Transfer of an applicability determination or permit-by-rule	No fee
Transfer of any other approval	\$200.00

Section 3 – Coastal Projects

The Division of Land Use Regulation charges fees as established in N.J.A.C. 7:7-10 for the review of permit applications according to the following schedule:

1. Waterfront Development

(a) Waterfront Development Individual Permits waterward of the mean high water line, the fee shall be:

1. The permit fee for residential site improvements for a single private residential unit or duplex on a waterway other than a man made lagoon, including without limitation: shore structures, piers and docks, walkways and activities associated with a single private residential unit or duplex shall be \$600.00 plus one-half of one percent of the construction cost above \$10,000.
2. The permit fee for all other activities requiring a Waterfront Development permit shall be based on the following schedule:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$3,500 + 1.2 percent of construction costs
\$50,001 to \$100,000	\$4,100 + 2.4 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$5,300 + 3 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$8,300 + 3.6 percent of construction cost above \$200,000
Greater than \$350,000	\$13,700 + 2.4 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000, the applicant shall pay a supplemental fee to cover such costs.

(b) For Waterfront Development Individual Permits with work taking place landward of the mean high water line and do not qualify as a CAFRA facility based on size and use as defined in N.J.A.C. 7:7-2.1, the fees are:

1. Residential Facilities consisting of one or two dwelling units, as defined in N.J.A.C. 7:7-1.3, \$1,200.00 for each dwelling unit. For residential developments with three or more units, please use the fee schedule provided in Section 3 for CAFRA, part (a) on page 6 of this fee schedule.

(c) Non-residential facilities please apply the following fee schedule:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$3,500 + 1.2 percent of construction costs
\$50,001 to \$100,000	\$4,100 + 2.4 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$5,300 + 3 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$8,300 + 3.6 percent of construction cost above \$200,000
Greater than \$350,000	\$13,700 + 2.4 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000 the applicant shall pay a supplemental fee to cover such costs.

(e) The fee for Waterfront Development Permits with work taking place landward of the mean high water line and qualify as a CAFRA facility based on size and use as defined in N.J.A.C. 7:7-2.1 shall follow the CAFRA fee schedule as noted in Section 3 for CAFRA starting below.

(f) The fee for mixed Residential and Non-residential Facilities shall be the sum of the Residential and Non-residential facilities fee as calculated under section (1) “Waterfront Development” listed above.

(g) The fee for the review and processing of a request for a written determination of exemption from the Waterfront Development Law permitting requirements pursuant to N.J.A.C. 7:7-2.3(f) is \$300.00.

2. Tidal Waters

For a Wetlands Act of 1970 permit (N.J.A.C. 7:7-2.2) the fee is one percent of the construction cost or a minimum of \$600.00 for residential dock construction associated with a single family or duplex dwelling unit and \$600.00 plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7, for all other regulated activities.

3. CAFRA

- (a) CAFRA Permit for a Residential Facility the fee is:

For a residential development consisting of one or two dwelling units, as defined in N.J.A.C. 7:7-1.3, \$1,200.00 for each dwelling unit. The fee for a residential development consisting of a single family duplex shall be \$1,200.00.

For all other residential developments, \$7,200 plus \$120.00 per dwelling unit plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7:

- (b) The fee for commercial, public or industrial development located on a beach or dune or located between the mean high water line of any tidal waters or the landward limit of a beach or dune and a point 150 feet landwards of the mean high water line of any tidal waters shall be calculated using the following schedule plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$3,500 + 1.2 percent of construction costs
\$50,001 to \$100,000	\$4,100 + 2.4 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$5,300 + 3 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$8,300 + 3.6 percent of construction cost above \$200,000
Greater than \$350,000	\$13,700 + 2.4 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000 the applicant shall pay a supplemental fee to cover such costs.

- (c) The fee for commercial, public, or industrial development located 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward shall be \$8,500 plus \$1,200 per acre included in the site plan plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7.
- (d) For a CAFRA Permit for a linear development, the fee is \$8,500 plus \$1,200 per acre to be disturbed.
- (e) The fee for mixed Residential and Non-residential Facilities shall be the sum of the residential and non-residential facilities fees calculated using this fee schedule for CAFRA permits.
- (f) For non-residential developments with a site plan which is situated in both the 150 feet review zone and the remainder of the CAFRA zone the following schedule shall be applicable plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7:

Non-residential commercial projects with less than 50 parking spaces or equivalent area, the fee shall be calculated considering the entire development using the following formula:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$3,500 + 1.2 percent of construction costs
\$50,001 to \$100,000	\$4,100 + 2.4 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$5,300 + 3 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$8,300 + 3.6 percent of construction cost above \$200,000

Greater than \$350,000 \$13,700 + 2.4 percent of construction costs above \$350,000

For non-residential commercial projects with 50 or more parking spaces or equivalent area, the fee shall be \$8,500 plus \$1,200 per acre included in the site plan for the entire development.

For a public or industrial development, the fee shall be \$8,500 plus \$1,200 per acre included in the site plan for the entire development.

For a proposed linear development, the fee shall be \$8,500 plus \$1,200 per acre to be disturbed

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000 the applicant shall pay a supplemental fee to cover such costs.

- (g) For a proposed mining operation, as defined at N.J.A.C. 7:7E-7.8, the fee shall be \$8,500 plus \$250.00 per acre disturbed.
- (h) For a proposed development associated with a solid waste landfill the fee shall be \$8,500.
- (i) For a proposed public development to be located entirely within publicly owned park or recreation area, the fee shall be \$8,500 plus \$250.00 per acre disturbed.

4. Coastal General Permit

The fee for the review of any Coastal General Permit authorization application pursuant to N.J.A.C. 7:7-7 , shall be \$600.00 for each type of Coastal General Permit with the exception of the coastal general permit for habitat creation and enhancement activities at N.J.A.C. 7:7-7.29.

5. CAFRA Exemption Letters

The Department will charge a \$300.00 fee for the review and processing of a request for an exemption letter certifying that a development is exempt from CAFRA regulations.

6. Additional Fees

Additional fees to engage essential expertise may be necessary for the processing and review of large-scale and complex projects. The applicant will be consulted before imposition of such fees. Where a public hearing is conducted, the cost of the hearing shall be borne by the applicant.

(Note: The term “construction cost” as defined at N.J.A.C. 7:7-10.1(b) is the projected cost, not including financing or insurance charges, of that portion of a project which is subject to review for a construction permit.)

7. Modifications

For a minor modification to a Waterfront Development, Coastal Wetlands, or CAFRA permit: \$250.00.

For a major modification to an Upland Waterfront Development or CAFRA permit, 20 percent of the total original permit application fee, with a minimum fee of \$600.00 and a maximum fee of \$12,000.00, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7.

The fee for a modification of a coastal general permit is \$250.00.

<p>Section 4 – Additional Fees for Major Development Requiring Stormwater Review</p>

The additional fees for a Flood Hazard Area, Freshwater Wetlands, Waterfront Development, Coastal Wetlands or CAFRA application that requires review pursuant to the Stormwater Management Rules, N.J.A.C. 7:8, are as follows:

Additional Fee if permit is for a Major Development pursuant to N.J.A.C. 7:8-1.2

Qualifier	Area of Impact	Fee
Base fee for any major development	Any size project	\$2,000
Additional fee for the review of groundwater recharge calculations (pursuant to N.J.A.C. 7:8-5.4(a)2) per area of land disturbed by the project	Up to 3 acres	\$500
	More than 3 acres and up to 10 acres	\$1,000
	More than 10 acres and up to 100 acres	\$2,000
	More than 100 acres	\$4,000
Additional fee for the review of runoff quantity calculations (pursuant to N.J.A.C. 7:8-5.4(a)3) per area of land disturbed by the project	Up to 3 acres	\$500
	More than 3 acres and up to 10 acres	\$1,000
	More than 10 acres and up to 100 acres	\$2,000
	More than 100 acres	\$4,000
Additional fee for the review of water quality calculations (pursuant to N.J.A.C. 7:8-5.5) per area of impervious surface under review	Up to 1 acre	\$500
	More than 1 acre and up to 3 acres	\$1,000
	More than 3 acres and up to 10 acres	\$2,000
	More than 10 acres	\$4,000
Additional fee if any vegetation is removed within a Special Water Resource Protection Area (pursuant to N.J.A.C. 7:8-5.5(h))	Any size project	\$2,000

Section 5 – Multiple Permits

1. For projects under the jurisdiction of the Freshwater Wetlands Protection Act that require both Statewide General Permit(s) and Transition Area Waiver(s), a fee will be required for both actions. For projects requiring an Individual Permit and a Transition Area Waiver, only the highest of the required fees will be charged.
2. For projects which require more than one of the following permits: CAFRA application, Waterfront Development application, Coastal Wetlands application, Flood Hazard Area application, or Freshwater Wetlands application. The permit fee for all the project is equal to the sum of the following if the permit applications are submitted and processed simultaneously:
 - (a) The single highest fee for the above permits required for the project, and
 - (b) Seventy-five percent of the sum of the permit fees for all other permits required for the project.
3. If an applicant requests a Letter of Interpretation separate from a Freshwater Wetlands permit or waiver, a fee based on the guidelines found in the Freshwater Wetlands Protection Act Rules will be required. If, however, the Review Officer verifies a wetlands boundary in the context of a Coastal application or a Flood Hazard Area application and an official Letter of Interpretation is not requested by the applicant, a fee will not be required.
4. There are two fee schedules for transition area waivers, one for projects with a completed Letter of Interpretation (LOI) and a second, higher schedule for projects without a completed LOI. For projects requiring a Transition Area Waiver in the context of a Coastal application or a Flood Hazard Area application, the applicant will be assessed the fee for a Transition Area Waiver with a completed LOI.
5. All Division of Land Use Regulation permit applications require a completed LURP-2 application form.