



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
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FRESHWATER WETLANDS EXEMPTION LETTER AND TRANSITION AREA EXEMPTION LETTER

APPLICATION CHECKLIST

(12/2010)

This checklist is to be used to apply for an exemption letter for any of the following:

- An exemption for farming, ranching or silviculture under N.J.A.C. 7:7A-2.8(c);
- An exemption for harvesting of forest products in accordance with an approved forest management plan under N.J.A.C. 7:7A-2.8(d); and
- A transition area exemption for a project with certain municipal approvals under N.J.A.C. 7:7A-2.8(f).

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

APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for an exemption letter must include all of the following items in order to be deemed administratively complete:

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

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- 2. The appropriate fee, indicated in the fee schedule, 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 that the fee is for an exemption letter;
 - If more than one permit is requested a fee break down should be included on a separate page.

- 3. A copy of a USGS quad map, with: the site clearly outlined (USGS quad maps can be obtained from the Department's Office of Maps and Publications – (609) 777-1038); 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.

- 4. All additional information required at 5 through 8 below for the type of exemption for which you are applying.

- 5. For a farming, silviculture or ranching exemption under N.J.A.C. 7:7A-2.8(c), the following information is required, in addition to the information at 1 through 4 above:
 - A. A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq.; and
 - B. A brief description of the activities for which the exemption is claimed, including:
 - The total area of freshwater wetlands and/or transition area to be disturbed;
 - The types of farming, silviculture, or ranching that will be pursued;
 - Best management practices currently employed and/or to be employed; and
 - The length of time that the area to be disturbed has been in use for farming, ranching, or silviculture;
 - C. If seeking an exemption for a farm pond, the following shall also be provided:
 - A copy of a farm conservation plan, including the pond, developed in conjunction with the Natural Resources Conservation Service and approved by the Soil Conservation District, as appropriate showing that the pond is:
 - (1) Located outside a watercourse;
 - (2) To be created by excavation and not by creating an embankment within a watercourse;

(3) Not associated with development as that term is defined in the Municipal Land Use Law, N.J.S.A. 40:55D-4;

(4) Intended exclusively for agricultural purposes. The applicant shall submit a description of the purpose of the pond with the application for an exemption; and

(5) Sized appropriately for the intended use under (4) above.

D. If seeking an exemption for a farm road, the following shall also be provided:

- A copy of a farm conservation plan, including the road, developed in conjunction with the Natural Resources Conservation Service and approved by the Soil Conservation District, as appropriate showing that the road is:

(1) Located to minimize disturbance to wetlands, transition areas and watercourses. If there is an alternative location for a farm road that will have less impact to wetlands, transition areas, and watercourses, the alternative location shall be used;

(2) Necessary to support or provide access for a farming activity. A road that supports or provides access to proposed development is not a farm road and requires a permit in accordance with this chapter;

(3) Not more than 14 feet in width unless it must be wider to accommodate a large piece of equipment such as a combine. In the latter case, the road shall be no wider than 20 feet;

(4) Built at grade. If not built at grade, the applicant shall demonstrate to the Department why fill material is necessary for the farming operation; and

(5) In accordance with (4) above, if fill material is necessary, it will be no more than six inches deep and limited to 0.25 acres of wetland disturbance. In addition, pipes shall be installed to maintain wetland hydrology.

6. For a forest products harvesting exemption under N.J.A.C. 7:7A-2.8(d), the following information is required, in addition to the information at 1 through 4 above:

A. A copy of a forest management plan approved by the State Forester (contact the Department at (609) 292-2531 for information on how to obtain a forest management plan).

B. If not already stated in the forest management plan, the following:

- The size of the site and the size of the area to be disturbed;
- A brief description of the approved forest management activities that will be pursued;
- The best management practices that will be employed; and
- The length of time required for the approved forest management activities.

7. For a transition area exemption based on preliminary site plan or subdivision application or approval under N.J.A.C. 7:7A-2.8(f), the following information is required, in addition to the information at 1 through 4 above:
- A. A copy of a resolution by the local governing body, granting preliminary site plan or subdivision approval;
 - B. If the approval specified in A above was not granted prior to July 1, 1989, you must also submit proof that the application for preliminary site plan or subdivision approval was submitted to the local governing body prior to June 8, 1987;
 - C. A folded copy of the preliminary site plan or subdivision approval, including a copy of the site plan or subdivision itself;
 - D. A copy of a letter from the local governing body, verifying that the use and zoning of the site have not changed since the approval specified in A above, or verifying that the use and zoning have changed, but that the change does not do any of the following:
 - Require submittal of a new or amended application;
 - Require approval of a new or amended application by local authorities; or
 - Result in more than a de minimis increase in impacts to transition areas; and
 - E. Any other information necessary to determine if the applicant is eligible for exemption under N.J.A.C. 7:7A-2.8(f) and (g).
8. For a freshwater wetlands exemption based on a U.S. Army Corps of Engineers (ACOE) individual permit issued prior to July 1, 1988 under N.J.A.C. 7:7A-2.8(i), the following additional information is required, in addition to the information at 1 through 4 above:
- A. A copy of the valid ACOE individual permit; and
 - B. A folded copy of the site plan, showing all activities authorized by the ACOE permit.

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