



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

Revised: July 2018

Website: www.nj.gov/dep/landuse



**FRESHWATER WETLANDS PROTECTION ACT RULES
APPLICATION CHECKLIST**

Letter of Interpretation: Presence/Absence

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.

8. Survey: For an LOI for an entire site, no survey is required. For a portion of a site, include 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 and which:

- i. Clearly identifies the portion of the site which the LOI will cover (the "footprint"), and all areas within 150 feet of the footprint;
- ii. Includes the location and label of flags/stakes required under item 9 below;
- iii. 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;
- iv. 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;

9. Site requirements:

- i. For an entire site, flags or stakes identifying the boundaries of the site;
- ii. For a portion of a site, sequentially numbered flags and/or stakes must be placed on the site to show the boundaries of the portion of the site (or "footprint of disturbance") that the LOI will cover so that Department staff can easily find the boundary of that portion of the site. Please note that the maximum footprint allowed under this LOI is 1 (one) acre and that the footprint must encompass ALL proposed disturbance for the project including but not limited to; clearing, grading, extent of silt fences, etc.