



CREATION, RESTORATION OR ENHANCEMENT FOR A WETLAND MITIGATION PROPOSAL

CHECKLIST FOR COMPLETENESS

These are the application requirements for a “complete for further review” proposal package for an onsite or offsite freshwater wetland mitigation proposal. Please read each section and check the box next to each area after you have fully completed the information for each requirement that applies to you.

Please provide three copies of the following information and plans as well as a cd of all materials.

- 1. An introduction describing the wetland mitigation proposal. The introduction must include the following:
 - i. The type of permit that requires you to perform wetland mitigation (include a copy of the permit);
 - ii. The number of acres you are required to create, enhance and/or restore in accordance with the permit and N.J.A.C. 7:7A-11;
 - iii. Information demonstrating that the proposed mitigation alternative complies with N.J.A.C. 7:7A-11.9 or 11.10, as applicable, including information on the feasibility or practicability of other mitigation alternatives;
 - iv. The goals of the mitigation project in terms of wetlands types, values, and functions, and a discussion of how the mitigation proposal will satisfy those goals. (e.g., The goal of the wetland mitigation project is to establish a young palustrine forest surrounding an emergent wetland and open water pond, which provides flood water retention in the impacted watershed, fish and wildlife habitat, etc.);
 - v. The reason why the mitigation site is an appropriate site for meeting the goals in c. above, and the aspects of the site that will ensure the success of the mitigation project; and
 - vi. A copy of USGS quad map(s) showing the location of the permitted activity and showing the mitigation site with the state plane coordinates of the mitigation site. The accuracy of these coordinates should be within 50 feet of the actual center point of the site. For linear mitigation projects, the applicant shall provide State plane coordinates for the end-points. For linear mitigation projects 2000 feet in length and longer, the applicant shall supply additional coordinates at each 1000 foot interval.

- 2. A description (e.g., size, type, vegetation, hydrology, wildlife use, etc.) of the wetlands that are being destroyed or disturbed by the permitted activity, supported by scientific information such as scientific literature, models or other studies, previous Department approvals or correspondence regarding the disturbance; maps, photographs; soil or vegetation samples; delineations and/or other visual materials relating to the site of the disturbance.

- 3. One set of color photographs depicting the proposed mitigation site, including topographic, vegetative, stream, and wetland features. 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.

- 4. The names and addresses of all current and proposed owner(s) of the proposed mitigation site.
- 5. The names and addresses of all consultants, engineers, and others providing technical assistance in preparing the mitigation proposal;
- 6. Written consent from the owner of the proposed mitigation area for Department representatives to enter the proposed mitigation area to conduct inspections at reasonable times.
- 7. The lot, block, municipality and county of the proposed mitigation site. This information must be clearly visible on the front page of the proposal and must also be placed on the mitigation plans as required under item 14.
- 8. A description (e.g., size, type, vegetation, hydrology, wildlife and adjacent land use etc.) of the proposed mitigation site and the proposed mitigation, including supporting soil or vegetation sample data. Avoid the need for hard engineering controls such as concrete spillways and dams when designing the mitigation project. If such structures are necessary to retain sufficient wetland hydrology then the Division recommends the applicant examine the suitability of the site for wetland mitigation.
- 9. The New Jersey Department of Environmental Protection requires a water budget to be prepared for mitigation sites. The Department recommends using the “Regionalized Water-Budget Manual for Compensatory Wetland Mitigation Sites in New Jersey”. This publication is available as an Adobe document on the Internet at: http://www.nj.gov/dep/landuse/o2_budgetmanual_final_7_22_08.pdf. The manual is indexed with quick links that take the user directly to the topic of interest within the manual. Additionally, the manual contains live links to Internet sites that will be used in the preparation of the water budget.
- 10. Existing soil profiles including the location of soil borings on the proposed mitigation site.
- 11. A detailed discussion of the substrate proposed for the mitigation site (e.g. How will the substrate of the site be prepared? How much topsoil will be added? Is the pH appropriate?). Successful mitigation typically requires that a minimum six inches of topsoil or A-Horizon be used or retained on the mitigation site. If the natural top soil from the site is to be used, it must have at least 8% organic carbon content (by weight) incorporated into the A-horizon for sandy soil and for all other soil types the topsoil must have 12% organic carbon content. If topsoil is imported onto the site it must consist of equal volumes of organic and mineral materials. Do not include the application of lime in your planting specifications unless absolutely necessary (liming a site may cause a more favorable environment for invasive species).
- 12. Documentation that the proposed mitigation will not pose an ecological risk, including characterization and assessment in accordance with the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.16 and 4.9 and any plans to remediate the site to fully address any ecological risk.
- 13. A landscape plan showing the proposed vegetative community on the proposed mitigation site that includes the following:
 - the species;
 - quantity of each species;
 - the spacing of all plantings;
 - the stock type (bare root, potted, seed); and
 - the source of the plant material.

The transition area required as part of the mitigation site under N.J.A.C. 7:7A-11.2 must also be planted. The landscape plan must identify the proper time to plant and must indicate any appropriate substitutions. If bare root stock is used, it must be planted in the spring while the plant is still dormant.

14. A preventive maintenance plan detailing how invasive or noxious vegetation will be controlled, and how predation of the mitigation plantings will be prevented. The plan shall explain the measures that will be taken if a problem with invasive or noxious plants or predation presents itself during the construction or monitoring period. If there is a problem with *Lythrum salicaria* (purple loosestrife) in the watershed in which the proposed mitigation site is located, the Program may not approve mitigation involving the establishment of an emergent freshwater wetland system because of the likelihood of failure due to invasion by this species. Listed below are several devices/structures that may be incorporated into your plan to control problems resulting from the presence of deer, geese, rodents, and rabbits on the mitigation site;

- deer fence
- goose fence
- snags for raptors
- snake hibernaculum

15. A metes and bounds description of the proposed mitigation site. The metes and bounds description shall include the transition area required under N.J.A.C. 7:7A-11.12.

16. An estimate of the actual cost of carrying out the construction of the mitigation project. The cost estimate should include but is not limited to the value of the land, engineering costs, environmental consultant fees, attorney fees, site preparation costs, construction costs, planting costs, supervising construction fees, and monitoring costs. The cost estimate of the project will be used when determining the amount of the financial assurance required.

17. A site plan for the mitigation project which includes:

i. Project location within the region;

ii. The lot and block number of the mitigation project location;

iii. Existing and proposed elevations and grades of the mitigation site and, when necessary off-site elevations and grades. All existing and proposed elevations and grades must be shown in at least one foot intervals. The slope shall be no greater than 10:1 along a created transition area as well as along any berms that are intended to function as water control structures or berms created along a stream;

iv. The transition area required under N.J.A.C. 7:7A-11.12 (50/150 foot) shown clearly;

v. A detail that shows, or a statement indicating, the soil amendments and the seed stabilization mix to be used on the mitigation site. The seed mix shall not include any fescue, deer tongue or reed canary grass. The seed mix shall either be a mixture of native non-invasive plant species or shall include an annual rye grass;

vi. A statement certifying that, following grading of the site, a disc will be run over the site to eliminate compaction;

vii. An explanation of how micro-topography will be created on the mitigation site. For example a cultivator or a bedding harrow could be used to create micro-topography;

viii. Pre- and post construction plan views and cross sectional views of the mitigation site; and,

ix. Location of monitoring wells and/or stream gauges that will be used to monitor and record the hydrology of the mitigation site before and after construction is complete.

- 18. A construction schedule including projected dates of excavation, planting, fertilizing, etc.
- 19. A draft conservation restriction that meets the requirements of N.J.A.C. 7:7A-12. The conservation restriction shall conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: <http://www.nj.gov/dep/landuse/forms/index.html>
- 20. Financial assurance that meets the requirements at N.J.A.C. 7:7A-11.17.
- 21. Information and/or certifications regarding the presence or absence of endangered or threatened species habitat.
- 22. A certification that the proposed mitigation will not adversely affect properties, which are listed or are eligible for listing on the National Register of Historic Places. If the mitigator before or during the course of mitigation work encounters a probable historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing on the National Register, the permittee shall immediately notify the Department and proceed as directed by the Department.
- 23. Documentation that the mitigation site was public noticed in accordance with N.J.A.C 7:7A-17 if mitigation is being performed offsite.

Proposal packages shall be submitted to:

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