



State of New Jersey
Department of Environmental Protection

Revised: October 5, 2021

Website: www.nj.gov/dep/landuse



FLOOD HAZARD AREA APPLICATION CHECKLIST

Individual Permit

CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS

All applications for a flood hazard individual permit must be submitted electronically through the submission system at <https://njdeponline.com>. Follow the registration process and create an account. To apply, select the service "Apply for a Land Use Permit or Authorization."

For more information on submitting an electronic application, visit https://nj.gov/dep/landuse/eservices/lur_auth_permits.html.

CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS

1. A completed [Property Owner Certification form](#)
 - Acceptable file formats include pdf, jpg, and png.

2. Public notice:

A completed [Public Notice form](#). All documentation necessary to demonstrate that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 must be attached to the form (see below for details).

- Acceptable file formats include pdf, jpg, and png.

Documentation of public notice is required as follows:

- i. Notice to municipal clerk (N.J.A.C. 7:13-19.3(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. The application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

- 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.

- ii. Notice to governmental entities and property owners (N.J.A.C. 7:13-19.3(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. 7:13-19.3(d)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:

If the application is for one of the following projects (listed at N.J.A.C 7:13-19.3(c)1-6), notice shall be sent to all owners of real property, including easements, located within 200 feet of any proposed above-ground structure, except for any conveyance lines suspended above the ground or small utility support structures (e.g. telephone poles):

- A linear project of one-half mile or longer
- A public project on a site of 50 acres or more
- An industrial or commercial project on a site of 100 acres or more
- A project to remove sediment or debris from a channel of one-half mile or longer

For any other project, 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.

- Documentation of compliance with this requirement shall consist of:
 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
 2. 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; and
 3. A copy of the form notice letter.
- The form notice letter required under N.J.A.C. 7:13-19.3(d)1iii shall read as follows:

"This letter is to provide you with legal notification that an application for a flood hazard area individual permit <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Resource Protection for the development shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE 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 Resource Protection
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625
Attn: (Municipality in which the property is located) Supervisor"*

iii. Newspaper notice (N.J.A.C. 7:13-19.4)

Newspaper notice, in the form of a legal notice or display advertisement in the official newspaper of the municipality(ies) in which the project site is located, or if no official newspaper exists, in a newspaper with general circulation in the municipality(ies), is required for the following projects:

- A. A linear project of one-half mile or longer
- B. A public project on a site of 50 acres or more

- C. An industrial or commercial project on a site of 100 acres or more
- D. A project to remove sediment or debris from a channel of one-half mile or longer

If your project is not one listed above, newspaper notice is not required.

- Documentation of newspaper notice shall consist of:
 1. A copy of the published newspaper notice; and
 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

“Take notice that an application for a flood hazard area individual permit<<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Resource Protection for the development described below:

APPLICANT:

PROJECT NAME:

PROJECT DESCRIPTION:

PROJECT STREET ADDRESS:

BLOCK: LOT:

MUNICIPALITY: COUNTY:

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 the date of this notice to:

*New Jersey Department of Environmental Protection
Division of Land Resource Protection
P.O. Box 420, Code 501-02A
501 East State Street
Trenton, New Jersey 08625
Attn: Municipality in which the property is located) Supervisor”*

iv. Notice for an individual permit based on a hardship exception

For an application for an individual permit based on a hardship exception, the notice letter (and newspaper notice, if applicable) must contain the following information in the project description:

- A. A description of the nature of the hardship; and
- B. The citation and subject matter of each requirement in this chapter for which the hardship exception is being requested.

v. Notice for projects located in the Pinelands Area

For a project in the Pinelands Area as designated under the Pinelands Protection Act at N.J.S.A. 13:18A-11.a, documentation showing that a copy of the application form has been provided to the New Jersey Pinelands Commission. The “application form” will consist of a description of the project, including the lot, block, municipality, and county, and the specific permit(s)/authorization(s) being sought.

3. Application fees:

The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, payable through the online service via credit card or e-check, or to receive a bill, select "Bill Me" on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.

4. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:13-18.4(a)4:

- i. Existing features such as lot lines, structures, land coverage, and vegetation;
 - ii. All proposed regulated activities such as changes in lot lines; the size, location, and details of any proposed structures, roads, or utilities; details of any clearing, grading, filling, and excavation; the location and area of any riparian zone vegetation that will be disturbed; cross-sections of regulated waters or water control structures being analyzed; and the anticipated limits of disturbance;
 - iii. Topography:
 - A. Existing and proposed topography where necessary to demonstrate that the proposed regulated activity or project meets the requirements of this chapter. All topography must reference NGVD or include the appropriate conversion factor to NGVD.
 - iv. Soil erosion and sediment control:
 - A. Details of any proposed soil erosion and sediment control measures.
 - v. Riparian zone:
 - A. The location of any riparian zone onsite (see N.J.A.C 7:13-4.1); and
 - B. The limits of the regulated water including the "top of bank" and the "centerline" for linear waters. Where the top of bank is not discernible, show the limits of the two-year flood, for a linear *regulated water* that has a *drainage area* of 150 acres or more.
 - C. Details of proposed mitigation in accordance with N.J.A.C. 7:13-13).
 - vi. Metes and bounds description:
 - A. A metes and bounds description of any existing and proposed flood hazard area and floodway limits onsite; and
 - B. Identification of the method at N.J.A.C. 7:13-3 that was used to determine these limits.
 - vii. Flood hazard area/floodway information:
 - A. If the entire site lies within a flood hazard area and/or floodway, the site plans shall indicate this; and
 - B. The elevation(s) of the flood hazard area design flood throughout the site.
 - viii. Details of construction proposed in a regulated water:
 - A. A thorough description of proposed construction methods;
 - B. A timetable for construction; and
 - C. Details of any trenching, diversionary channels, temporary piping, and other disturbances to the regulated water.
- Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:13-18.2(j) and prepared according to the Department's [site plan specifications](#) for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and

seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.

NOTE: In accordance with N.J.A.C. 7:13-18.2(h) et seq., an applicant may elect to prepare his or her own plan if both of the following are true: (1) the applicant proposes the construction of a single-family home or duplex or an accessory structure, such as a patio, garage, or shed on his or her own property for his or her own use and (2) the proposed regulated activity or project is one for which no survey, topography, or calculations are necessary to demonstrate the requirements of this chapter are met.

5. Photographs:

- i. Color photographs depicting:
 - A. The entire project area; and
 - B. Any sections of channel or riparian zone that will be disturbed by the project.
 - ii. A photo location map showing the location and direction from which each photograph was taken.
- Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

6. An engineering report prepared in accordance with N.J.A.C. 7:13-18.5 that includes:

- i. The signature and seal of an engineer;
 - ii. The name, address, and telephone number of the engineer, as well as any other person designated by the engineer to answer questions about the report;
 - iii. All supporting hydrologic, hydraulic, flood storage volume, stormwater and structural calculations that are necessary to demonstrate that the application meets the requirements of N.J.A.C. 7:13;
 - iv. A narrative that explains the submitted calculations and describes why each particular calculation or methodology was used;
 - v. All maps, references, and other supporting materials that were used to prepare the submitted calculations;
 - vi. The total area of impervious surface proposed and the total land area that will be disturbed;
 - vii. For an application for an individual permit for which the Department is reviewing a stormwater management plan pursuant to N.J.A.C. 7:13-12.2, the following information where applicable:
 - A. An explanation of how nonstructural stormwater management strategies have been maximized on site, as required at N.J.A.C. 7:8-5.3;
 - B. A demonstration of how the regulated activity and/or project meets the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2;
 - C. A table which compares existing and proposed stormwater discharges for the two-year, 10-year, and 100-year storm in order to demonstrate compliance with the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3; and
 - D. An explanation of how the regulated activity and/or project meets the water quality standards at N.J.A.C. 7:8-5.5;
 - viii. For an application for an individual permit for a project located in the Central Passaic Basin that relies on fill credits, as described at N.J.A.C. 7:13-11.4(s) and (t), documentation that the fill credits have been purchased by the applicant prior to the submittal of the application; and
 - ix. For all applications, the certification set forth at N.J.A.C. 7:13-18.2(j).
- Acceptable file formats include pdf and zip. Engineering reports must be digitally signed and sealed by a New Jersey licensed professional engineer. Digital signatures and seals must meet the requirements of N.J.A.C. 13:40-8.1A. Engineering reports with electronic signatures, such as scans of reports with a handwritten signature, will not be accepted.

7. An environmental report prepared in accordance with N.J.A.C. 7:13-18.6 that includes:
 - i. A narrative describing the proposed design and the construction techniques that will be used;
 - ii. The following maps:
 - A. Maps that provide an environmental inventory of the site such as the freshwater wetlands maps and the USDA soil survey; and
 - B. A copy of a Department flood hazard area map or FEMA flood insurance rate map with the site clearly outlined to scale, if such mapping exists.
 - iii. For projects proposing disturbance to the riparian zone, include a chart which details the proposed regulated activity, the maximum allowable area of vegetation disturbance as set forth in N.J.A.C. 7:13-11, the proposed areas of disturbance, whether the disturbance is temporary or permanent, the amount of mitigation required, and the amount of mitigation proposed. Provide total area for riparian zone disturbance (permanent & temporary) and mitigation required and proposed. Disturbance and mitigation amounts should be provided in square feet and acres; and
 - iv. An analysis of any potential temporary and/or permanent adverse environmental impact(s), whether onsite or offsite, of the proposed regulated activity or project on regulated waters, channels, riparian zones, fishery resources, and threatened or endangered species and their habitat, which includes:
 - A. A justification for the proposed regulated activity or project, including an explanation of why any proposed regulated activity or project and its location is the most appropriate for the site, and how the proposed location and design minimizes adverse environmental impact(s) to the resources;
 - B. An analysis of alternatives to the proposed regulated activity or project, including a no-build alternative;
 - C. A description of all measures to be taken to reduce any potential adverse environmental impact(s) to the resources;
 - D. A plan to mitigate the effects of all adverse environmental impacts; and
 - E. Any monitoring or reporting methods that will be used.
 - v. For an individual permit for activities which are likely to either disturb an area known to contain a threatened or endangered species or disturb any habitat that could support a threatened or endangered species, a survey for threatened or endangered species and their habitat. This survey shall be performed by a person with education and experience in wildlife biology, zoology, and/or botany, as appropriate, and shall include:
 - A. The name, address, and qualifications of all persons participating in the survey;
 - B. The acreage of the surveyed area;
 - C. A USGS quad map with the surveyed area for each threatened or endangered species and their habitat outlined;
 - D. A description of each habitat and cover type onsite including vegetation, hydrology, soils, and natural communities. These habitats shall be assessed for suitability and compatibility to the life history of the threatened or endangered species being investigated. If no threatened or endangered species are observed, a discussion of the site's suitability for such species shall be provided;
 - E. The date and time of the investigation (including total number of hours spent by each observer for species observation);
 - F. The number of observers present on the site at any one time, including their location on the site relative to one another;
 - G. Site conditions during the survey, such as precipitation, temperature, wind speed and direction, artificial or natural noise, and nearest onsite or offsite human activity or development;

H. If the survey reveals the presence or evidence of a threatened or endangered species, detailed information regarding each sighting, including:

- Whether the subject was sighted directly or identified by call, track, scat, remains, or other indirect evidence of presence;
- The date(s) and time(s) of each such sighting or discovery of evidence;
- The relative age and condition of any indirect evidence observed and its location on the property;
- A description of the techniques and methodologies employed by the observer during the site investigation;
- If a wildlife species is observed directly, the number of each species observed, likely age, observed activity, gender, location on or near the site, and proximity to the observer at each sighting; and
- If a plant species is observed directly, the number of each species observed and its location on or near the site; and

I. The certification set forth at N.J.A.C. 7:13-18.2(j).

vi. For regulated activities requiring an individual permit where activities are proposed within the inner 150 feet of the 300-foot riparian zone, provide documentation that demonstrates:

- A. There is no practicable alternative to the regulated activity that would have less adverse impact on the regulated areas and which would not significantly compromise other environmental resources;
- B. The regulated activity results in the minimum feasible alteration or impairment of the riparian or aquatic ecosystem;
- C. The regulated activity complies with the applicable water quality standards and requirements; and
- D. The regulated activity is in the public interest, including consideration of the following:
 - The practicability of using reasonable alternative locations and methods to accomplish the purpose of the proposed regulated activity;
 - The functions and values provided by the riparian zone proposed to be impacted; and
 - The probable individual and cumulative impacts of the regulated activity on public health, safety, and welfare, and the environment.

vii. For an activity or project in the Pinelands Area as designated by Section 10(a) of the Pinelands Protection Act, N.J.S.A. 13:18-1 et seq., a Certificate of Filing, a Certificate of Completeness, or a resolution approving an application for public development, issued by the NJ Pinelands Commission.

- Acceptable file formats include pdf, doc, docx, rtf, and zip.

8. 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; and
 - iii. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.
- The required maps should be uploaded with the compliance statement under the attachment type "Environmental Report with Site Location Maps." Acceptable file formats include pdf, doc, docx, rtf, and zip.

9. Calculations and analyses:

- i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.
- All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed by a New Jersey licensed professional engineer in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

10. Natural Heritage Program Letter:

A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available

- Acceptable file formats include pdf, jpg, and png.

11. Mitigation:

For an activity that requires mitigation in accordance with N.J.A.C. 7:13, the applicant may submit a mitigation proposal as part of the application for the individual permit. If the applicant does not submit a mitigation proposal with the application, the applicant must submit the mitigation proposal at least 90 calendar days before the start of activities authorized by the permit, in accordance with N.J.A.C. 7:13-13.

- If a mitigation proposal is available at the time of submission, the service will provide an attachment type for "Mitigation Proposal." Alternatively, it may be uploaded separately at a later time through the service "Submit Additional Information for a Land Use Permit or Authorization." Acceptable file formats include pdf, doc, docx, rtf, and zip.

12. Additional requirements:

- i. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area
 - Acceptable file formats include pdf, jpg, and png.
- ii. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction
 - Acceptable file formats include pdf, jpg, and png.
- iii. Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:
 - A. Written consent from the municipality in the form of a resolution of the governing body or an ordinance
 - B. A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
 - C. A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
 - Acceptable file formats include pdf, jpg, and png.