



**FLOOD HAZARD AREA APPLICATION CHECKLIST**  
**General Permit-by-certification 3—Agricultural bank stabilization and/or bank restoration activities**

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

To apply for an authorization under general permit-by-certification 3, please visit the Department's online permitting system at [www.nj.gov/dep/online](http://www.nj.gov/dep/online).

**Please prepare the following information prior to beginning the general permit-by-certification 3 online application (DO NOT submit paper copies of this information to the Department):**

1. The number and subject matter of the general permit-by-certification under which the application will be made.
2. The name of or other identifier for the proposed project.
3. The location of the proposed activity or project, including address, city, state, zip code, municipality, State plane coordinates, lot, and block. The full length of the project and access should be depicted on a sketch or drawing.
4. Information specific to the proposed project (see section below and N.J.A.C. 7:13-8.3).
5. Contact information for both the applicant and the property owner, including: name, address, telephone number, e-mail address, municipality, county, organization, and organization type.
6. Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19, as follows:

**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.

- 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. 7:13-19.3(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)iii 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.

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. 7:13-19.3(d)1iii shall read as follows:

*"This letter is to provide you with legal notification that an application for an authorization under flood hazard area general permit-by-certification 3 <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation 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 30 calendar days of the date to the Department publishes notice of the application in the DEP Bulletin (<http://www.nj.gov/dep/bulletin/>) :*

*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. 7:13-19.4)

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 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

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

i. Documentation of newspaper notice shall consist of:

- A. A copy of the published newspaper notice; and
- B. The date and name of the newspaper in which notice was published.

ii. The newspaper notice may be either a legal notice or display advertisement and must read as follows:

*“Take Notice that an application for an authorization under flood hazard area general permit-by-certification 1<<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation 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 30 calendar days of the date to the Department publishes notice of the application in the DEP Bulletin (<http://www.nj.gov/dep/bulletin/>) :*

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

Notice for projects located in the Pinelands Area

For a 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., documentation showing that a copy of the completed application form has been provided to the New Jersey Pinelands Commission.

- 7. Certification that the applicant has obtained written consent from the property owner that the application can be made on the property owner’s behalf. This certification is required regardless of whether the applicant and property owner are the same person. The Land Use Application form can be used to obtain the necessary signatures. The form is available at <http://www.nj.gov/dep/landuse/forms.html>
- 8. The PIN that was issued to the applicant upon registering with the Department’s online permitting system.

9. The application fee for a general permit-by-certification set forth at N.J.A.C. 7:13-20.1.
10. An engineering certification, prepared in accordance with N.J.A.C. 7:13-8.3(a)7, confirming that the proposed activities will not obstruct flow in the regulated water or floodway, the contents of which are set forth in the definition of "engineering certification" at N.J.A.C. 7:13-1.2.

**To obtain an authorization under general permit-by-certification 3 for Agricultural bank stabilization and/or bank restoration activities, it will be necessary to certify to the following concerning the proposed activity:**

1. The site identified in the application is the actual location of the project site;
2. Public notice of the application has been provided in accordance with N.J.A.C. 7:13-19;
3. Written consent from the property owner that the application can be made on the property owner's behalf has been obtained by the applicant. This certification is required regardless of whether the applicant and property owner are the same person
4. The project consists of bank stabilization and/or bank restoration activities along a regulated water on land that is actively farmed;
5. The activities are intended solely for agricultural purposes;
6. The activities are approved by and performed under the supervision of the USDA Natural Resource Conservation Service and/or local Soil Conservation District;
7. Where feasible, the project will be accomplished by cutting back the bank to a stable slope and planting with native, non-invasive plant species suitable for stabilization. Generally, a slope of no greater than 50 percent (a ratio of two horizontal to one vertical) is recommended to stabilize an eroded bank. Where vegetation alone cannot feasibly stabilize erosion, or would require greater than 2,000 square feet of trees to be cleared, cut, and/or removed, soil bioengineering will be used to stabilize the erosion. In no case shall greater than 2,000 square feet of trees be cleared, cut, and/or removed;
8. The cross-sectional area of the regulated water will not be significantly altered;
9. An engineering certification confirming that the activity will not obstruct flow in the regulated water or floodway has been obtained;
10. Clearing, cutting, and/or removal of riparian zone vegetation will be the minimum necessary to successfully implement the project;
11. The timing restrictions set forth at N.J.A.C. 7:13-11.5(d) will be observed;
12. The authorized activities will not adversely affect low-flow aquatic passage in any regulated water;
13. The authorized activities will not destroy, jeopardize or adversely modify a present or documented habitat for threatened or endangered species, and/or shall not jeopardize the continued existence of any local population of a threatened species based on the following criteria:

*Fauna*

- i. The proposed work location does not feature rank 3, 4 or 5 ranked habitat or freshwater mussel stream corridor habitat as identified on the Department's Landscape Project Mapping for stream species of concern (see table below); or

- ii. The proposed work location is identified as potential habitat for stream associated species of concern as identified below and in-bank/stream work will not be conducted during the appropriate species timing restriction;

*Flora*

- i. The proposed work location is not located in a Natural Heritage Grid Mapping featuring a state endangered or federally listed plant species; or
  - ii. A Natural Heritage Program letter does not identify any state endangered or federally listed plant species within the proposed work area. (NOTE: The Landscape Project Mapping and NHP Grid Mapping may be viewed using the Department's GeoWeb interactive mapping found at <http://www.nj.gov/dep/gis/newmapping.htm>); and
  - iii. Consistent with the Federal Endangered Species Act of 1973, U.S.C. 1531 et. seq. and associated implementing regulations at 50 CFR 17.3 that no take of a federally protected species will result from the proposed activity.;
14. All riparian zone vegetation that is cleared, cut, and/or removed to conduct authorized activities, access an area where authorized activities will be conducted, or otherwise accommodate an authorized activity will be replanted immediately after completion of the project, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. Portions of the riparian zone occupied by an authorized structure need not be replanted;
15. All riparian zone vegetation to be replanted shall meet i and ii below, except as provided in iii:
- i. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value;
  - ii. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
  - iii. Where replanting in accordance with 1 and 2 above would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements of 1 and 2 above to the extent feasible; and
16. The activities authorized under this permit, in combination with all proposed activities, do not constitute a "major development" as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2.

**Once the online application process is successfully completed, the authorization will be accessible through the Department's online permitting system at [www.nj.gov/dep/online](http://www.nj.gov/dep/online). Please DO NOT submit paper copies of the certification to the Department.**