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ENVIRONMENTAL PROTECTION
LAND USE MANAGEMENT

LAND USE REGULATION PROGRAM

Freshwater Wetlands Protection Act Rules

Proposed Amendments:

N.J.A.C. 7:7A-11.1

Authorized By:

Bradley M. Campbell, Commissioner,
Department of Environmental Protection

Authority:

N.J.S.A. 13:9B-1 et seq.

Calendar Reference:

See Summary below for explanation of
exception to calendar requirement

DEP Docket Number:

Proposal Number:

A public hearing concerning the proposal will be held from 10:00 A.M. to close of comments on:

October 3, 2005
Public Hearing Room, 1st Floor
Department of Environmental Protection
401 East State Street
Trenton, New Jersey

Submit written comments by November 5, 2005, to:

Janis E. Hoagland
Attn: DEP Docket Number: 28-05-08/512
Office of Legal Affairs
New Jersey Department of Environmental Protection
P.O. Box 402
Trenton, New Jersey 08625-0402

The Department of Environmental Protection (Department) requests that commenters submit comments on disk or CD as well as on paper. Submission of a disk or CD is not a

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requirement. The Department prefers Microsoft Word 6.0 or above. Macintosh formats should not be used. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

A copy of the proposal is available on paper or on disk by calling the Department at (609) 633-7021. The rule proposal can also be found at the Department's website (www.nj.gov/dep). The agency proposal follows:

Summary

As the Department has provided a 60-day comment period on this notice of proposal, this proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Department of Environmental Protection is proposing amendments to the fee provisions of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A. The proposed amendments at N.J.A.C. 7:7A-11 relate to the application fees for letters of interpretation (LOIs), general permit authorizations (GPs), transition area waivers (TAWs), individual permits (IPs), water quality certifications, and permit modifications. In addition, new fees are proposed at N.J.A.C. 7:7A-11 for stormwater management reviews required for compliance at N.J.A.C. 7:7A-4.3(b)10, N.J.A.C. 7:7A-5.11(f) and N.J.A.C. 7:7A-7.2.

A State-run program may derive its funding from legislative appropriations, by directly charging those seeking a service through permit fees, or through a combination of both. The fees collected for freshwater wetlands permits affect those who develop property and those purchasing property. Property with permits and development approvals is more costly than property sold contingent upon receiving such approvals, since the property owner can recover the

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costs of obtaining a permit directly from the purchaser who will have the benefit of using the property, while funding through legislative appropriation is borne by all taxpayers.

The proposed amendments to the fees in the tables at N.J.A.C. 7:7A-11.1, entitled, respectively, Application fees for LOIs, Application fees for general permit authorizations, Application fees for transition area waivers, Application fees for exemption letters, Application fees for individual permits, Application fees for modifications and Application fees for Water Quality Certifications, would result in the increase of all existing application fees by 20 percent. In addition, new fees are proposed for stormwater management reviews for wetlands approvals under N.J.A.C. 7:7A-4.3, N.J.A.C. 7:7A-5.11 and N.J.A.C. 7:7A-7.2, for projects that must meet the requirements of the Department's Stormwater Management rules, N.J.A.C. 7:8.

The Freshwater Wetlands Protection Act (FWPA), N.J.S.A. 13:9B-1 et seq., specifically provides for the collection of fees for the review and processing of LOI requests (see N.J.S.A. 13:9B-8h), permit applications (see N.J.S.A. 13:9B-9a), and transition area waivers (see N.J.S.A. 13:9B-17b). The Department first established fees to implement the FWPA rules in March 1988. At that time, fees were established for LOIs (presence/absence, \$100; line verification, \$250 plus \$20 per acre), general permits (\$100) and individual permits (\$1,000 plus \$100 per acre). In 1989, fees were established for transition area waivers (\$250 plus \$20 per acre for a site with an LOI and \$450 plus \$25.00 per acre for a site without an LOI) and for exemptions (\$100). In 1992, the fee for general permits was increased to \$250. The fee for a delineation LOI under one acre was increased from \$100 to \$250 and, while the base fee for an LOI was not increased from \$250, the per acre assessment for an LOI was increased from \$20 to \$35. The base fee for a transition area waiver remained \$450, while the per-acre assessment was increased from \$25 to \$40. In July of 2003, the Department amended the fees to increase them by 100 percent, because

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at that time, fee revenue was lagging behind program costs and was insufficient to support program operations (See 35 N.J.R. 3354(a)). Since the 2003 increase, Department costs have continued to climb. Therefore, the Department is proposing to increase the freshwater wetland permit fees by 20 percent in order to cover program costs.

Overall, the fees for the freshwater wetlands protection program relate to the potential impact of a particular project on the resource to be protected, and the resulting amount of time required by the Department to conduct its review.

The Department is proposing new fees for the review of stormwater management requirements as they relate to freshwater wetland permits. In 2004, the Department promulgated new Stormwater Management rules at N.J.A.C. 7:8 (See 36 N.J.R. 670(a)). These rules set forth specific design, construction and maintenance standards that apply to any project that is a “major development,” which is defined at N.J.A.C. 7:8-1.2 as “any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more.”

As a result of the promulgation of the Stormwater Management rules, in addition to reviewing for compliance with the freshwater wetlands requirements, the Department must also review each freshwater wetland permit application meeting the definition of a major development for compliance with the requirements at N.J.A.C. 7:8. The stormwater review typically involves a comprehensive review of stormwater facility and maintenance plans, construction details, in-depth narratives and alternative analyses, and detailed hydrologic and groundwater recharge calculations, necessary to demonstrate that the project meets the requirements of N.J.A.C. 7:8. Furthermore, certain major developments require review of

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impacts to the 300-foot Special Water Resource Protection Area that is established along Category One waters and certain tributaries pursuant to N.J.A.C. 7:8-5.5(h).

Before the Stormwater Management rules were promulgated, the Department performed basic stormwater reviews for many projects. However, the Stormwater Management rules contain standards that are significantly more comprehensive. The Department estimates that its engineering staff workload has doubled and its environmental staff workload has increased by approximately 25 percent as a result of the adoption of the Stormwater Management rules. Approximately 75 percent of freshwater wetland applications now require some level of stormwater management review. Most applications require pre-application conferences, as well as an increased number of phone calls, letters and other communication in order to ensure projects will comply with the stormwater requirements. Project review times have therefore increased. Given the substantial increase in workload, the Department is proposing to establish fees for freshwater wetland applications for major developments that trigger a stormwater regulatory review.

The proposed new fees for stormwater reviews are proportional to the amount of development being proposed on a site and will be assessed for a given project application in addition to the appropriate fee for the underlying approval such as a general permit authorization or individual permit.

The Stormwater Management rules contain four basic standards that must be addressed, depending on the location of the site and type of development: nonstructural stormwater management standards (N.J.A.C. 7:8-5.3), groundwater recharge standards (N.J.A.C. 7:8-5.4(a)2), runoff quantity standards (N.J.A.C. 7:8-5.4(a)3) and water quality standards (N.J.A.C. 7:8-5.5). As noted above some projects are also subject to a Special Water Resource Protection

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Area (N.J.A.C. 7:8-5.5(h)). The Department is proposing an additional fee to cover the costs of the time required to review for compliance with these standards based upon the scope and complexity of the required review.

Since all major developments are required under N.J.A.C. 7:8 to maximize the use of nonstructural methods in order to comply with the stormwater management standards, a base fee of \$2,000 is proposed for all major developments. The other three sets of stormwater management standards depend upon the type, size, location and level of development. A project could potentially be subject to none, some, or all of these standards. The Department has therefore determined to establish additional freshwater wetland fees for each set of stormwater management standards.

To review for compliance with either the groundwater recharge standards or runoff quantity standards, projects disturbing up to 3 acres will be subject to an additional \$500.00 fee. Similarly, projects disturbing more than 3 acres and up to 10 acres will be subject to an additional \$1,000 fee, projects disturbing more than 10 acres and up to 100 acres will be subject to an additional \$2,000 fee and projects disturbing more than 100 acres will be subject to an additional \$4,000 fee to review for compliance with the either the groundwater recharge standards or runoff quantity standards.

Since water quality standards must be met only for stormwater runoff from impervious surfaces, the proposed fees for the review of water quality calculations are related to the total area of impervious surface. Projects involving up to 1 acre will be subject to an additional \$500 fee, more than 1 acre and up to 3 acres will be subject to an additional \$1,000 fee, projects disturbing more than 3 acres and up to 10 acres will be subject to an additional \$2,000 fee and

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projects disturbing more than 10 acres will be subject to an additional \$4,000 for the review of water quality calculations.

An additional \$2,000 review fee is proposed for projects that would disturb vegetation within a Special Water Resource Protection Area. Such projects typically require the Department to evaluate alternative and functional-value analyses related to the impact of development on the riparian zone.

It must also be noted that the Land Use Regulation Program often receives multiple permit applications under various permitting programs for a given project. Since only one stormwater review is performed per project regardless of the number of permit applications the project requires, the proposed stormwater review fees will be assessed only once for each project, unless the project is redesigned or otherwise modified between permit applications. However, in some cases one application may trigger only the water quality standards, whereas a subsequent application under a different permitting program may trigger the groundwater recharge and/or runoff quantity standards. In such cases, the base fee will be assessed only on the first application that triggers stormwater review. The fee for each additional stormwater component that becomes relevant on site will be assessed as a part of the subsequent application that triggers that particular component.

For example, an applicant may propose to construct a road crossing that requires both a freshwater wetlands general permit and a freshwater wetlands permit. If the applicant submits the general permit application prior to submitting the freshwater wetlands application, it is possible that the general permit may only trigger the water quality standards of the stormwater review, whereas the stream encroachment permit may trigger additional standards. This could occur because the Freshwater Wetlands Protection Act and the Flood Hazard Area Control Act

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regulate different land areas. In this example, therefore, the base fee and the water quality standard fee would be assessed at the time of the general permit application, while the fees for additional review components that become relevant because of the need for a stream encroachment permit would be assessed at the time the stream encroachment application is submitted.

Depending on the type, size, location and level of development on a site, the proposed stormwater fees will add between \$2,000 and \$16,000 to the total freshwater wetlands permit application review fees for a major development. Based on the average size of development for which permit applications were received in 2004, the Department estimates that the average stormwater fee for a major development will be approximately \$4,500. The Department believes that the proposed additional fees for major development that require stormwater reviews are reasonable and appropriate given the substantially increased workload resulting from the adoption of N.J.A.C. 7:8.

Social Impact

The proposed rule amendments to increase permit fees will have a positive social impact for New Jersey's taxpayers because increased fees will reduce the need for higher taxes to support the legislatively mandated activities of the Department. In addition, society as a whole benefits from the protection of the freshwater wetland resources because of the value they provide for water quality protection, flood protection, and as habitat for fish and wildlife, including commercial and recreational species. Protected environmentally sensitive areas may also provide open space areas for the benefit and enjoyment of the public. The amendments to increase the fees may also have a positive social impact if they discourage some applicants from

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pursuing construction in freshwater wetlands, and instead pursue development in non-regulated areas that have existing infrastructure to support development and fewer environmental constraints. The proposed amendments will result in a negative social impact for the building industry because the amendments will increase the permitting costs for construction in environmentally sensitive areas. The larger fees may also result in higher costs for housing if the building industry passes the costs of the increased fees on to the individuals or businesses purchasing new homes or commercial buildings.

Economic Impact

The proposed amendments to increase fees for freshwater wetlands permits will have a positive economic impact on New Jersey's taxpayers because increased fees will reduce the need for higher taxes to support the legislatively mandated activities of the Department. To the extent that the proposed fee increases might discourage development in freshwater wetlands, the amendments could have a positive economic impact in avoiding the costs that can be incurred for the maintenance or repair of buildings in areas that may be vulnerable to damage and flooding from storms and high water, or to damage from settling, as well as mold, mildew and other moisture problems.

The proposed amendments to increase freshwater wetland permit fees may result in a negative economic impact for the building industry because they will increase the permitting costs required for construction in freshwater wetlands. However, the Department believes that, despite the increases, the permit fees still constitute a relatively small expense compared to the overall costs of developing in environmentally sensitive areas. In general the number of permit actions has been increasing each year. In 2004, the Department issued 690 general permit

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authorizations and 10 individual permits for activities in freshwater wetlands and State open waters, and reviewed 441 transition area waiver applications, and 1,907 letters of interpretation. These permits involved approximately 65 acres of wetland, and over 2,000 site inspections. In general, the number of permit actions has been increasing each year. Since each approval represents a development project of some type, it would appear that despite the permit fees, there is a substantial economic benefit accrued by the applicant or developer to pursue their proposed developments despite environmental constraints.

The proposed amendments to increase freshwater wetland permit fees may also result in increased costs for housing and other buildings if the construction industry passes its fees on to the individuals purchasing new homes and commercial structures. Increased fees for projects by public entities, such as county bridge replacements and municipal roadway improvements, are likely to be passed on to taxpayers through local property taxes. However, permitting fees represent a very small percentage of the overall budget for such projects, and the Department believes the fees are justified by the flood-risk reduction and the protection for surface and ground water quality resulting from the State's regulation and review of proposed projects under the freshwater wetlands program.

The proposed amendments will also increase the fees for letters of interpretation and for water quality certificates. The fee for a letter of interpretation represents an economic investment since it may enable a prospective developer to complete construction of a project without impacts to wetlands, thus avoiding the additional costs associated with permits or waivers.

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Federal Standards Analysis

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995 c. 65) require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis.

New Jersey's Freshwater Wetlands Protection Act (FWPA) program replaces the Federal Clean Water Act Section 404 program (33 U.S.C. 1344) throughout most of the State. Consequently, the State's implementing rules replace the Army Corps of Engineers (ACOE) regulations for implementation of the Section 404 program. The basic structure of the Department's freshwater wetlands permitting program, and much of its substance, is essentially the same as the Federal 404 program. Both provide for individual and general permits. Both use similar key concepts and definitions, and apply similar standards in approving both general and individual permits. However, while the New Jersey Legislature used the Federal 404 program as the basis for the FWPA, it also tailored the FWPA to meet the needs of New Jersey and to more strictly limit activities in and around wetlands in order to avoid excessive wetland losses in New Jersey. As a result, the New Jersey program regulates more types of activities in freshwater wetlands than the Federal 404 program does, regulates an upland "transition area" around each wetland, and requires a more involved process to obtain approval from the Department for regulated activities. The Department's wetlands regulatory program is a fee-supported program, assessing fees for each type of review activity including letters of interpretation, general and individual permits and transition area waivers. The Federal government operates the ACOE program using an annual appropriation instead of assessing permit fees sufficient to support its operations. Consequently, the ACOE charges nominal fees for a minor subset of its review activities with the actual operating costs supported by Federal taxes. There are no fees for

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Nationwide permit authorizations, for jurisdictional determinations, or for transition area waivers (since transition areas are not regulated features pursuant to the Federal program). The ACOE charges individual homeowners \$10 for the review of an individual permit application. For commercial entities, the individual permit review fee is \$100.

The State of New Jersey is required to balance its budget each year, while there is no obligation for an annually balanced Federal budget. Consequently, the State assesses fees to assist in paying for its programs. The State has opted to charge fees to those who will receive the major benefit from developing environmentally sensitive lands, while the Federal government has determined to spread the cost of its environmental programs among all taxpayers. Therefore, the Department has concluded that the freshwater wetland permit fee amendments do not exceed any Federal Standards or requirements.

Environmental Impact

The proposed amendments will have a positive environmental impact by providing revenues to support the Department's regulatory programs for the protection of the State's important freshwater wetland resources. In 1987, the Legislature found and declared that it is important to protect freshwater wetlands because they preserve drinking water supplies by purifying surface water and groundwater resources; provide a natural means of flood and storm damage protection; retard soil erosion, provide essential breeding, spawning, nesting, and wintering habitats for a major portion of the State's fish and wildlife including migrating birds, endangered species, and commercially and recreationally important wildlife; and maintain a critical baseflow to surface waters through the gradual release of stored flood waters and groundwater particularly during drought periods. (See N.J.S.A. 13:9B-2). As stated previously,

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the Legislature also provided the Department with the authority to charge fees to support these goals.

Jobs Impact

The proposed amendments are not expected to have any job impacts since, with the exception of the fees for stormwater management reviews, the amendments will increase already existing fees for development of environmentally sensitive properties. There are no changes in procedural requirements and no greater permitting restrictions or requirements that would result in the loss or gain of jobs relating to the construction or environmental consulting industries. The proposed rules are not expected to have any impact on the number of jobs in the State. It is possible that the smaller development companies may find the proposed fees cost prohibitive and seek employment outside the State of New Jersey.

Agriculture Industry Impact

Pursuant to N.J.S.A. 52:14B-4, the Department evaluated this rulemaking to determine the nature and extent of the impacts of the proposed amendments on the agriculture industry. Since ongoing farming, ranching and silviculture activities are exempt from the Freshwater Wetlands Protection Act rules, and few new farms are being established in New Jersey, the proposed amendments are not likely to have any effect upon the agriculture industry.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that some of those builders and property owners that may be affected by the proposed amendments are “small businesses” as defined by the Regulatory

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Flexibility Act. The FWPA rules apply to any person owning property containing freshwater wetlands, State open waters and/or transition areas, who intends to engage in a regulated activity. The Department is not able to estimate the number of small businesses that own property affected by the proposed amendments.

The proposed amendments will not impose additional reporting or record keeping requirements on small businesses. However, the proposed fees are based upon the type of permits being sought, which in turn are based on environmental impacts. Therefore, the proposed fee increases will generally have the same impact on a small business as on any other person (see Economic Impact above). Compliance with the proposed amendments will not result in permit applicants having to obtain professional services. Because the values and functions of freshwater wetlands, including minimizing flooding danger and protection surface and ground water quality are important to all of the State's citizens, and these proposed amendments are necessary to provide the revenues to maintain appropriate review and protection of these, no lesser requirements for small businesses are provided.

Smart Growth Impact

The Freshwater Wetlands Protection Act Rules overall are consistent with the law and policy of New Jersey to promote smart growth and to reduce the negative effects of sprawl and disinvestments in older communities, as described in Executive Order No. 4 (2002). The rules discourage incompatible development of environmentally sensitive features, which are vital to the health and well-being of the present and future citizens of the State. The proposed permit application fee increases are consistent with smart growth policy since the fees are necessary to support the regulatory programs that ensure that development in environmentally sensitive areas,

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which is likely to have a greater environmental impact and related economic costs than

development outside these areas, is closely scrutinized and, as appropriate, discouraged.

Therefore, the proposed amendments comport with the goals of smart growth and

implementation of the State Plan described in Executive Order No.4.

Full text of the proposed new rules and amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 7A FRESHWATER WETLANDS PROTECTION ACT RULES

SUBCHAPTER 11. FEES

7:7A-11.1 General fee provisions

(a)– (g) (No change.)

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FEE TABLES

Application fees for LOIs (N.J.A.C. 7:7A-3):

Type of LOI	Fee
Presence/absence LOI—whole site	[\$200.00] <u>\$240.00</u>
Presence/absence LOI under N.J.A.C. 7:7A-3.2 -- portion of a site or footprint of disturbance	[\$400.00] <u>\$480.00</u>
Line delineation LOI under N.J.A.C. 7:7A-3.3 – site smaller than one acre	[\$500.00] <u>\$600.00</u>
Line verification LOI under N.J.A.C. 7:7A-3.4 – site smaller than one acre	[\$500.00] <u>\$600.00</u>
Line verification LOI under N.J.A.C. 7:7A-3.4 – site one acre or larger	[\$500.00 plus \$70.00 per acre¹, up to \$50,000] <u>\$600.00 plus \$84.00 per acre¹, up to \$60,000.00</u>
LOI extension under N.J.A.C. 7:7A-3.6	[\$200.00] <u>\$240.00</u> , or 25 percent of original fee, whichever is greater
LOI (any type) and a transition area waiver, (any type) if the site is one acre or smaller.	[\$700.00] <u>\$840.00</u> Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
LOI (any type) and a transition area waiver, (any type) if the site is larger than one acre.	[\$900.00 plus \$80.00 per acre] <u>\$1,080.00, plus \$96.00 per acre¹</u> Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
LOI (any type) and a general permit authorization	Sum of applicable LOI and general permit authorization fees
LOI (any type) and an individual permit	Applicable individual permit fee

Application fees for general permit authorizations (N.J.A.C. 7:7A-5):

Type of general permit	Fee

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Any general permit authorization, except: General permit 16 (wildlife management); General permit 25 (septic repair); or General permit 17 (trail/boardwalk) on public land.	[\$500.00] <u>\$600.00</u>
Authorization under any of the following: General permit 16 (wildlife management); General permit 25 (septic repair); or General permit 17 (trail/boardwalk) on public land.	None
Multiple general permit authorizations for one site	[\$500.00] <u>\$600.00</u> plus [\$200.00] <u>\$240.00</u> for each additional general permit
General permit authorization extension	[\$200.00] <u>\$240.00</u>
Combined general permit 2 authorization and flood hazard area permit	[\$975.00] <u>\$1,170.00</u>
General permit 10A, 11, or 20 authorization combined with a major flood hazard area permit	[\$4375.00] <u>\$5,250.00</u>
General permit 10A, 11 or 20 combined with a minor flood hazard area permit	[\$975.00] <u>\$1,070.00</u>
Combined general permit 26 authorization and flood hazard area permit	[\$500.00] <u>\$600.00</u>

Application fees for transition area waivers (N.J.A.C. 7:7A-6):

Type of transition area waiver	Fee
Any transition area waiver, if: 1. The entire site is covered by a valid line delineation or line verification LOI; and 2. The site is one acre or smaller.	[\$200.00] <u>\$240.00</u>
Any transition area waiver, if: 1. The affected portion of the site is covered by valid line delineation or line verification LOI; and 2. The site is over one acre.	[\$500.00] <u>\$600.00</u> plus [\$40.00] <u>\$48.00</u> per acre affected ²
Any transition area waiver, if: 1. The site is not covered by a valid LOI, nor has a presence/absence LOI only; and 2. The site is one acre or less.	[\$700.00] <u>\$840.00</u> Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.

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Any transition area waiver if: 1. The site is not covered by a valid LOI, or has a presence/absence LOI only; and 2. The site is larger than one acre.	[\$900.00] <u>\$1,080.00</u> plus [\$80.00] <u>\$96.00</u> per acre affected ³ Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
Multiple transition area waivers (unless all are special activity transition area waivers)	Sum of all fees for all of the applicable transition area waivers
Multiple special activity transition area waivers for a single site	[\$500.00] <u>\$600.00</u> plus [\$200.00] <u>\$240.00</u> for each additional special activity waiver
Transition area waiver (any type) and an individual freshwater wetlands or open water fill permit	Either the applicable transition area waiver fee or the individual permit fee, whichever is higher
Transition area waiver (any type) and one or more general permit authorizations	The applicable transition area waiver fee, plus [\$500.00] <u>\$600.00</u> for the first general permit authorization, and [\$200.00] <u>\$240.00</u> for each additional general permit authorization
Transition area waiver extension	[\$200.00] <u>\$240.00</u>

Application fees for exemption letters (N.J.A.C. 7:7A-2.10):

Type of approval	Fee
Exemption letter	[\$200.00] <u>\$240.00</u>

Application fees for individual permits (N.J.A.C. 7:7A-7):

Type of approval	Fee
Individual freshwater wetlands or open water fill permit	[\$2,000.00] <u>\$2,400.00</u> plus [\$200.00] <u>\$240.00</u> per 1/10 acre affected ⁴
Individual permit extension	[\$1,000.00] <u>\$1,200.00</u>

Application fees for modifications (N.J.A.C. 7:7A-14)

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Type of approval	Fee
Minor modification	None
General permit authorization modification	[\$200.00] <u>\$240.00</u>
Major modification	25 percent of the application fee originally charged for the approval that is being modified, or [\$200.00] <u>\$240.00</u> , whichever is higher.

Application fees for Water Quality Certifications (N.J.A.C. 7:7A-2.1(d)):

Type of approval	Fee
Water Quality Certificate	[\$2,000.00 plus \$200.00 per 1/10 acre affected] <u>\$2,400.00 plus \$240.00 per 1/10 acre affected</u>
Water Quality Certificate extension	[\$1,000.00] <u>\$1,200.00</u>

1. When these fee tables refer to a cost “per acre,” this means the cost is per acre or fraction thereof. For example, an area of one and one third acres would have the same fee as an area of two acres. When these fee tables refer to a cost “per 1/10 acre,” this means the cost is per tenth of an acre or fraction thereof, such that an area of 0.12 acres would have the same fee as an area of 0.2 acres. When these fee tables refer to an “acre affected,” this means an acre of freshwater wetlands, State open waters, or transition area that will be affected by a regulated or prohibited activity.
2. See note 1 above.
3. See note 1 above.
4. See note 1 above.

Additional Fees for Major Developments pursuant to N.J.A.C. 7:8-1.2 (N.J.A.C. 7:7A-

4.3(b)10, N.J.A.C. 7:7A-5.11 and N.J.A.C. 7:7A-7.2):

Qualifier	Area of Impact	Fee
<u>Base fee for any major development</u>	<u>Any size project</u>	<u>\$2,000</u>
<u>Additional fee for the review of groundwater recharge calculations (pursuant to N.J.A.C. 7:8-5.4(a)2) per area of land disturbed by the project</u>	<u>Up to 3 acres</u>	<u>\$500</u>
	<u>More than 3 acres and up to 10 acres</u>	<u>\$1,000</u>
	<u>More than 10 acres and up to 100 acres</u>	<u>\$2,000</u>
	<u>More than 100 acres</u>	<u>\$4,000</u>

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<u>Additional fee for the review of runoff quantity calculations (pursuant to N.J.A.C. 7:8-5.4(a)3) per area of land disturbed by the project</u>	<u>Up to 3 acres</u>	<u>\$500</u>
	<u>More than 3 acres and up to 10 acres</u>	<u>\$1,000</u>
	<u>More than 10 acres and up to 100 acres</u>	<u>\$2,000</u>
	<u>More than 100 acres</u>	<u>\$4,000</u>
<u>Additional fee for the review of water quality calculations (pursuant to N.J.A.C. 7:8-5.5) per area of impervious surface under review</u>	<u>Up to 1 acre</u>	<u>\$500</u>
	<u>More than 1 acres and up to 3 acres</u>	<u>\$1,000</u>
	<u>More than 3 acres and up to 10 acres</u>	<u>\$2,000</u>
	<u>More than 10 acres</u>	<u>\$4,000</u>
<u>Additional fee if any vegetation is removed within a Special Water Resource Protection Area (pursuant to N.J.A.C. 7:8-5.5(h))</u>	<u>Any size project</u>	<u>\$2,000</u>

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis addressing the requirements of Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23, permit the public to understand accurately and plainly the purposes and expected consequences of the proposed amendments. I hereby authorize this proposal.

Date

Bradley M. Campbell
Commissioner