

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**POLICY**

**DELINEATION OF HYDROLOGICALLY LIMITED AREAS**

I. **Purpose:**

To provide accurate data to the fee appraisers regarding areas limited by hydrology on the subject properties.

II **Authority:**

N.J.S.A 4:1c-31c  
N.J.A.C. 2:76-6.8

III **Supersedes:**

Policy P-27 dated 1/18/90

IV. **Definitions:**

Hydrologically Limited Areas: Those areas which are designated as freshwater wetlands, transition zones, 100 year flood hazard areas, hydric soils, State Open Waters, state-owned riparian lands, or otherwise lack or have limited development potential due to excessive water.

Letter of Interpretation (LOI):...the written instrument by which the Department (DEP) documents its findings with regard to the occurrence of freshwater wetlands, State open waters and transition areas on a give parcel of land. Preparation of this document requires a detailed field examination of the property, extensive soil borings and vegetative observations, a survey of the proposed wetlands boundary, confirmation of said boundary by DEP, and establishment of the transition zones by DEP.

Date: 5/17/94

5. **Policy:**

1. Counties should provide the fee appraisers with an estimate of the subject lands which are limited hydrologically. Where available, the County has the discretion to rely on DEP wetland maps, DEP tideland maps, and F.E.M.A. flood maps for this information. All of these sources should be utilized as needed.

Note that the DEP wetland maps do not include transition areas. An estimate of the transition area will need to be made. In most areas, this area will be 50' in width. However, it may range from 0' to 150' in width. The latter applies to trout production waters, endangered species habitat, etc. Consult NJ DEP, Bureau of Freshwater Wetlands and the NJ Natural Heritage Program for more information regarding transition zones.

In areas where DEP wetland maps are unavailable, or where such maps are disputed, Counties shall coordinate environmental consultants, or individual with similar qualifications, with fee appraisers. Delineation of hydrologically limited areas shall occur prior to or concurrent with the appraisal process. The fee appraiser must be provided with the results of the delineation before the final value estimate can be concluded.

2. Environmental consultants on the NJDEP list may be utilized but this is not required. The County may use an environmental consultant of their own choosing, if similarly qualified. County engineers may be used if they are qualified.
3. If Counties hire private sector consultants, hiring policies established in that jurisdiction should be followed. Counties will be solely responsible for payment of environmental consultants for services in which hydrologically limited areas are identified. This may include establishing a procedure of cost sharing with applicants who opt for a consultant rather than rely on DEP maps.
4. The environmental consultants shall proceed per the conditions of their contracts as negotiated with the County.
5. In situations where the county has opted for a consultant or where DEP wetland maps are unavailable, delineation of hydrologically limited areas should consist of:
  - i. Assembling all in house information sources including, but not limited to, U.S.G S. Quads, soils maps, DEP wetland maps, DEP tidelands maps, US Fish and Wildlife wetland maps, flood maps, etc. such that a preliminary estimate of hydrologically limited areas is made. Areas of farmed hydric soils, regardless of prior conservation, shall be included.
  - ii. Sketching the extent of the affected area on the best available map of the

subject property at the time the delineation is done. This map could be an existing survey at best or a tax map at worst.

Areas of farmed wetlands which, due to tile drainage or other special cultural practices can be farmed but which are otherwise unsuitable for development, should be indicated.

- iii. Estimating transition zones for wetlands, as currently defined, recognizing that trout waters receive a 150 foot buffer and the most of the properties the SADC deals with will have a 50 foot buffer. The environmental consultant shall utilize all available information sources in the estimation of the transition zone.
  - iv. The consultant must inspect the subject premises and spot check his/her findings as needed using methods consistent with procedures set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The wetland periphery should be flagged at those locations where spot checks have occurred. White spot checks should be consistent with Federal procedures, bear in mind that formal Letter of Interpretation (see Definitions) is not the objective. The intent of this policy is to supply the fee appraisers with accurate facts while at the same time not extending the easement purchase procedure excessively. It would be appropriate for the environmental consultant to prepare a limiting condition indicating that the particular delineation was not prepared for submission for an LOI.
  - v. The environmental consultant must indicate how much (in acres) of the subject property is upland, wetland (as presently defined), transition zone, farmed hydric soils, State Open Waters, and areas of 100 year flood hazard. Any state-owned riparian lands (...lands now or formerly flowed by the mean high water line and owned by the State of New Jersey.) must also be identified.
6. The county shall be provided with at least three copies of the environmental consultants findings, one of which will be forwarded to each of the fee appraisers. The consultants report shall include at least the following information:
- i. Property identification (owner, location, block/lot, etc.).
  - ii. Definitions of key terminology.
  - iii. Description of kind and extent of hydrologically limited areas on the subject property.
  - iv. Summarize methodology and sources used to identify hydrologically limited areas.

- v. Map of the subject property sketching the location and extent of wetland areas, as presently defined, transition zones, areas of farmed hydric soils, State Open Waters, 100 year flood hazard area, and state-owned riparian lands. Approximate location of spot checks, if any, should also be indicated.
- vi. Summary page indicating acreage of upland, wetlands, transition zones, 100 year flood zone, farmed hydric soils, and state open waters.

Additional explanation shall be included as deemed appropriate. It is understood that map sketches and acreage indications are estimates unconfirmed by a formal survey.

- 7. The fee appraisers must include the consultant's complete report and map as an addendum to their appraisal reports. Furthermore, the appraisers shall specifically indicate the policy of the municipality in which the subject property is located regarding the inclusion of wetland areas in overall density calculations for development.

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1.1 New Jersey Riparian Rights Handbook, 1979.