



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY

Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

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Disclosure of a potentially historic resource/ruin is required on application submittals for freshwater wetland permits.

Who is affected by this initiative?

Anyone who submits an application to the Department of Environmental Protection (DEP) for a freshwater wetlands general or individual permit is affected. All freshwater permit applications must include information and/or certification regarding the presence or absence of historic or archeological resources.

Why is disclosure required?

A historic resource is broadly defined as buildings, structures, objects, sites and districts with potential significance in history, architecture, archeology, engineering or culture. Many locations in New Jersey may contain historically important resources, some of which may appear to be unassuming, in need of repairs or in ruins. Although they might not appear to be significant, failure to identify the presence of these irreplaceable resources denies DEP, communities, and local historic preservation commissions and societies the opportunity to comment on potential impacts. Proper disclosure allows the DEP to ensure that negative impacts to historic properties are minimized.

What is DEP doing?

The Bureau of Coastal and Land Use Compliance and Enforcement will investigate any site for which freshwater wetland permit applications are submitted without historic resource information. Failure to provide adequate information, including information already known to an applicant, consultant or other agent, may result in denial or termination of the permit and may subject the applicant and/or their professional to severe penalties as well responsibility for required mitigation.

What should I do?

- 1) Demonstrate due diligence in identifying historic sites on applications, as well as provide DEP with information regarding sites with historic or potentially historic resources, by including the following as part of each permit application:
 - Clear color photographs of the project site with a map key of all buildings, structures, ruins of buildings and structures and burial grounds;

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- All information provided by project representatives to formal bodies and the public regarding historic districts, buildings, structures, ruins, burial grounds, and archaeological sites on or near the project site; and
 - All information provided to project representatives in public meetings or other forums, regarding historic districts, buildings, structures, ruins, burial grounds and archaeological sites on or near the project site. Copies of correspondence or other information shall accompany the application.
- 2) Conduct a thorough search of records at the New Jersey State Museum and the New Jersey Historic Preservation Office (HPO) for projects of 20 or more acres. The list of all historic and archaeological properties identified in the State Museum or HPO records can then be included in the application. Advance research will minimize chances of unanticipated discoveries during construction that can lead to delays and fines.
 - 3) Conduct a cultural resource survey containing both architectural and archeological information before or during the permit application process to facilitate the HPO review process. The HPO must grant project approval if historic sites or potential historic sites are identified prior to undertaking development activities.

Please note that a permittee is required to immediately notify DEP and proceed as directed if a probable historic property that may be eligible for listing in the New Jersey or National Register is encountered during the work authorized by the freshwater wetland permit.

Who should I contact with questions?

New Jersey State Historic Preservation Office	(609) 984-6019
Bureau of Coastal and Land Use Compliance and Enforcement	(609) 292-1240
Land Use Regulation Program	(609) 292-0060
New Jersey State Museum, Bureau of Archaeology & Ethnology	(609) 292-8594

Where can I get more information?

The following Web sites can be accessed for additional information:

Historic Preservation Office	www.state.nj.us/dep/hpo
Land Use Regulation	www.nj.gov/dep/landuse/
New Jersey State Museum	www.state.nj.us/state/museum/

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.