

# **HIGHLANDS PRESERVATION AREA APPROVAL FEE SCHEDULE 11/21/08**

Please make all fee payments payable to: **“Treasurer, State of New Jersey”**

## **HIGHLANDS PRESERVATION AREA APPLICABILITY DETERMINATION AND WATER QUALITY MANAGEMENT PLAN CONSISTENCY DETERMINATION**

The fee to determine whether a proposed development is regulated under or exempt from the Highlands Water Protection and Planning Act and whether such development is consistent with the applicable Water Quality Management Plan shall be as follows:

1. There is no fee for applications submitted by the New Jersey Department of Transportation;
2. A fee of \$100.00 for individual applicants proposing improvements costing \$100,000 or less; municipalities; or applicants seeking a determination based on receipt of a woodland management plan or a determination if an agricultural or horticultural activity is not regulated as a major Highlands development; and
3. \$750.00 for all other applicants.

For additional information on the requirements for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination Application Form please access the Division of Watershed Management webpage at <http://www.nj.gov/dep/watershedmgt/> or the Highlands webpage at [www.nj.gov/dep/highlands](http://www.nj.gov/dep/highlands) .

## **PRE-APPLICATION MEETING**

The fee for a Pre-application meeting pursuant to N.J.A.C. 7:38-8 shall be \$500.00 except that there is no fee required for the N.J. Department of Transportation.

For additional information on the requirements for a Pre-application meeting please access the Land Use Regulation Program webpage at <http://www.nj.gov/dep/landuse> or the Highlands webpage at [www.nj.gov/dep/highlands](http://www.nj.gov/dep/highlands) .

## **HIGHLANDS RESOURCE AREA DETERMINATION**

The fee for a review of a Highlands Resource Area Determination (HRAD) pursuant to N.J.A.C. 7:38-4 shall be as follows:

- a. For a Footprint of Disturbance HRAD, the fee is \$500 + \$50/ acre;
- b. A Boundary Delineation HRAD for a parcel of land less than one acre, the fee is \$500.00;
- c. A Boundary Verification HRAD, \$750.00 plus \$100.00 per acre or any fraction thereof of the entire site. This HRAD is for all property sizes;
- d. For a request for the extension of a HRAD, the fee is 25 percent of the original fee or \$250.00; whichever is larger.

For additional information on the requirements for a Highlands Resource Area Determination please access the Land Use Regulation Program webpage at <http://www.nj.gov/dep/landuse> or the Highlands webpage at [www.nj.gov/dep/highlands](http://www.nj.gov/dep/highlands) .

## **HIGHLANDS PRESERVATION AREA APPROVAL**

A HPAA may be comprised of several components. Not all applications require review under all components. The applicant shall only be required to pay the base fee, plus any per acre fee as applicable, and the fee for each review component contained within an application. The components are listed below.

For all Highlands Preservation Area Approvals (HPAA) the fees shall be as follows:

1. The base fee for the review of a HPAA shall be as follows:
  - a. For a HPAA with a completed HRAD, the base fee shall be \$2,500 plus \$50.00 per acre, or any fraction thereof of Highlands resource areas to be affected;
  - b. For a HPAA without an HRAD the base fee shall be \$3,250 plus \$100.00 per acre or any fraction thereof, for the entire property..
2. Where applicable, in addition to the fee above, the fee for a Highlands preservation area approval that requires a stormwater review in accordance with N.J.A.C. 7:38-6.1(d) shall be:
  - a. For all projects requiring review of stormwater calculations: \$2,000

b. For all projects requiring review of groundwater recharge calculations, pursuant to N.J.A.C. 7:8-5.4(a)2, per land area disturbed by the project, shall be:

- i. Less than 3 acres: \$500;
- ii. Between 3 and 10 acres: \$1,000;
- iii. Between 10 and 100 acres: \$2,000;
- iv. Over 100 acres: \$4,000;

c. For all projects requiring review of runoff quantity calculations, pursuant to N.J.A.C. 7:8-5.4(a)3, per land area disturbed by the project:

- i. Less than 3 acres: \$500;
- ii. Between 3 and 10 acres: \$1,000;
- iii. Between 10 and 100 acres: \$2,000;
- iv. Over 100 acres: \$4,000;

d. For all projects requiring review of water quality calculations, pursuant to N.J.A.C. 7:8-5.5, per area of added impervious surface (including any previously-unconnected impervious surfaces that are proposed to be connected):

- i. Less than 1 acre: \$500;
- ii. Between 1 and 3 acres: \$1,000;
- iii. Between 3 and 10 acres: \$2,000;
- iv. Over 10 acres: \$4,000;

3. Where applicable, in addition to the fee above, the fee for a Highlands preservation area approval that includes disturbance within the areas regulated under the Flood Hazard Area Control Act rules (N.J.A.C. 7:13) shall be:

a. For major stream encroachment elements, \$4,000.00 each which include the following:

i. Bridges and culverts;

ii. Retaining walls more than 4 feet high and 100 feet long;

iii. Detention basins located within the flood plain;

iv. Channel improvements and relocations (unless within 300 feet of a new bridge or culvert, in which case the fee paid for the bridge or culvert also includes the review of the channel modifications);

v. Establishment of stream encroachment lines based on hydrologic and hydraulic calculations. Each 1,000 feet of stream, or segment thereof, is a major element; and

vi. Review of net-fill calculations (unless associated with a perpendicular stream crossing, in which case the fee paid for the bridge or culvert also includes the review of net-fill calculations).

b. In addition, the following projects are always major stream encroachment permits, regardless of any other project element. If such a project already has a major element, then no additional fee is required beyond the sum of the various elements. However, if no major element is present, then a major fee will be applied in addition to any minor elements for the following projects:

i. Any commercial development where the applicant owns or controls more than one acre within the floodplain;

ii. Any residential subdivision of more than 10 acres, regardless of the area within the floodplain.

c. Minor Stream Encroachment Reviews elements are \$1,000 each and include the following:

i. Storm water outfall structures;

ii. Utility crossing;

iii. Footbridges;

iv. Bridge deck replacements;

v. Use of, or reference to, a New Jersey Flood Hazard Area delineation (for stream encroachment lines, net-fill or hydraulic calculations, floor elevations, etc.);

vi. Pond dredging;

vii. Stream cleanings (unless they are submitted under the provisions of the Stream Cleaning Act, in which case there is no review fee);

viii. Stream bank stabilization projects at grade;

ix. Stream channel modifications less than 100 in length, and stream bank reestablishment or protection projects, (if the department agrees that no review of hydrologic or hydraulic calculations is necessary);

x. Retaining walls no more than 4 feet high and less than 100 feet long;

- xi. The construction of one single-family house (even if net-fill calculations are necessary);
- xii. Minor grading or other work within the flood plain that meets the net-fill limitations by inspection (if the department agrees that no review of net-fill calculations is necessary);
- xiii. Replacements or extensions of existing bridges or culverts (if the department agrees that no review of hydrologic or hydraulic calculations is necessary);

4. Where applicable, in addition to the fee above, the fee for a Highlands preservation area approval that includes a water supply review shall be:

- a. For any person with the capability to, but who does not, divert more than 50,000 gallons per day, an initial registration fee of \$400; each person who holds a valid water use registration shall pay an annual fee of \$200;
- b. For any person who applies for a new permit or a major modification of an existing permit, the applicable initial or modification fee based on the class of the allocation listed below. An applicant for a permit shall be placed in the appropriate class based on the total amount of the approved monthly allocation, and a 31 day month:

Initial Application, Major Modification, and Annual (water purveyor, remediation activity, or allocation less than or equal to 50 percent Consumptive Use) Permit Fee Classes

- i. Class 1: 1.55 mgm to less than 15.5 mgm;
- ii. Class 2: 15.5 mgm to less than 31.0 mgm;
- iii. Class 3: 31.0 mgm to less than 62.0 mgm;
- iv. Class 4: 62.0 mgm to less than 155 mgm;

- v. Class 5: 155.0 mgm to less than 310.0 mgm; and
- vi. Class 6: 310.0 mgm and above.

Annual (Non purveyor allocation >50% Non-potable and >50% Consumptive permit fee

- i. Class 1C: 1.55 mgm to less than 6.2mgm;
- ii. Class 2C: 6.2 mgm to less than 9.3 mgm;
- iii. Class 3C: 9.3 mgm to less than 12.4 mgm;
- iv. Class 4C: 12.4 mgm to less than 15.5 mgm;
- v. Class 5C: 15.5 mgm to less than 18.6 mgm; and
- vi. Class 6C: 18.6 mgm and above;

c. For the purpose of assessing the fees, the following shall apply:

i. If any ground water diversion in excess of 1.55 million gallons per month is included in a permit, the initial application or major modification fee for the permit shall be computed using the ground water schedule set forth in at (d) 3 vi, accounting for the total monthly allocation from all sources within the scope of the permit. Except as provided in iii below, the annual fee shall be computed using the groundwater schedule set forth in vii below;

ii. A diversion from a pond fed primarily by ground water is considered a ground water diversion; and

iii. For a non-purveyor allocation, of which more than 50 percent is approved for non-potable purposes and of which more than 50 percent is a consumptive use, the annual fee for the permit shall be based upon the source of the largest component of the monthly allocation, accounting for the total allocation from all sources within the scope of the permit, and

computed using the fee schedule set forth below at viii;

iv. The applicant shall pay in full, upon issuance of the permit, any hearing costs. If the application has been withdrawn after the public hearing or if the application is denied, the hearing costs shall be paid by the applicant on or before the specified due date of the invoice;

v. The successful applicant shall refer to N.J.A.C. Subchapter 3, 7:19-3 for annual fee requirements.

vi. Initial application and permit modification fees in dollars (\$):

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
(1) Surface water diversions	5,745	6,470	8,345	14,385	15,715	17,050
(2) Ground water diversions	7,190	8,070	10,425	17,980	19,585	20,915
(3) Ground and surface water diversions in which waters are returned undiminished to the source	3,430	4,590	5,745	6,905	7,970	9,040
(4) De-watering diversions	6,985	6,985	6,985	17,850	17,850	17,850

vii. Annual fees (\$) for water purveyor, remediation activity, or allocation less than or equal to 50% consumptive:

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
(1) Surface water diversions	2,770	3,245	5,560	9,585	12,250	14,915
(2) Ground water diversions	3,725	4,305	6,945	11,990	14,655	17,320
(3) Ground and surface water diversions in which waters are returned undiminished to the source	1,215	1,990	3,830	4,605	5,380	6,145
(4) De-watering diversions	3,620	3,620	3,620	11,900	11,900	11,900



viii. Annual fees (\$) (non-purveyor allocation greater than 50% non-potable and >50% consumptive use):

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
(1) Surface water diversions:						
(A) Storm water capture	3,300	3,630	3,995	4,395	4,830	5,315
(B) Stream high-flow skimming	3,960	4,355	4,790	5,270	5,795	6,375
(C) Direct surface water	8,420	9,265	10,190	11,210	12,330	13,565
(2) Ground water diversions:						
(A) Unconfined/semi-confined aquifer	8,420	9,265	10,190	11,210	12,330	13,565
(B) Confined aquifer	10,105	11,115	12,225	13,450	14,795	16,275

(3) In addition to the annual fees applicable for Class 6C in viii(1) and (2) above, an additional consumption fee of \$2,500 for each 3.1 mgm increment in allocation over 18.6 mgm shall be charged; however, in no case shall the annual fee for any one permit in Class 6C exceed \$35,000.

5. Where applicable, in addition to the fee above, the fee for a Highlands preservation area approval that includes a waiver in accordance with N.J.A.C. 7:38-6 the fees shall be:

- a. For a review of taking without just compensation in accordance with N.J.A.C. 7:38- 6.8, \$2,000;
- b. For a review that requires a Water Quality Management Plan amendment, \$1,000. For the review of a an emergency connection to extend/expand a public water system in association with a Highlands Preservation Area Approval, the fees in the New Jersey Safe Drinking Water Act Regulations application at N.J.A.C. 7:10-15.1 et seq. apply. Please visit [http://www.nj.gov/dep/watersupply/wsa\\_formssdw.htm](http://www.nj.gov/dep/watersupply/wsa_formssdw.htm) for more information regarding this review.
- c. Fees for the issuance of a NJ Pollutant Discharge Elimination System (NJPDES) permit or Treatment Work Approval (TWA), in association with a Highlands Preservation Area Approval, are found at <http://www.nj.gov/dep/dwq/njpdesfees.html> for NJPDES and <http://www.nj.gov/dep/dwq/forms.htm#twaforms> for TWA.

6. The fee to renew a HPAA, the fee shall be \$1,000.

For additional information on the requirements for a Highlands Preservation Area Approval please access the Land Use Regulation Program webpage at <http://www.nj.gov/dep/landuse> or the Highlands webpage at [www.nj.gov/dep/highlands](http://www.nj.gov/dep/highlands) .

### **HIGHLANDS BROWNFIELD DESIGNATION**

The fee for a brownfield designation in accordance with N.J.A.C. 7:38- 6.6, \$250 plus \$50 per acre;

For additional information on the requirements for a Highlands Brownfield Designation please access the Land Use Regulation Program webpage at <http://www.nj.gov/dep/landuse> or the Highlands webpage at [www.nj.gov/dep/highlands](http://www.nj.gov/dep/highlands) .

### **HIGHLANDS GENERAL PERMITS**

The application fee for Highlands general permits shall be as follows:

1. No fee for Highlands general permit 1 at N.J.A.C. 738-14.1;
2. \$500 .00 for Highlands general permit 2 at N.J.A.C. 7:38-14.2.