



PennEast Pipeline Company, LLC

PENNEAST PIPELINE PROJECT

*Multi-Permit Application
for
Freshwater Wetlands Individual Permit
Special Activity Transition Area Waiver
Letter of Interpretation
Water Quality Certificate
Flood Hazard Area Individual Permit
Flood Hazard Hardship Exception Request
Flood Hazard Area Verification*

ATTACHMENT A – Checklists



*Submitted to:
New Jersey Department of Environmental Protection
Division of Land Use Regulation*

August 2019

ATTACHMENT A-1

**Freshwater Wetlands Protection Act Rules Application
Checklist - Individual Freshwater Wetlands or
Open Water Fill Permit**



FRESHWATER WETLANDS APPLICATION CHECKLIST

Individual Freshwater Wetlands or Open Water Fill Permit

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

To apply for a freshwater wetlands or open water fill individual permit, please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
 Division of Land Use Regulation
 P.O. Box 420, Code 501-02A
 Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
 Division of Land Use Regulation
 501 East State Street
 Station Plaza 5, 2nd Floor
 Trenton, New Jersey 08609
Attn: Application Support

Electronic Submission

Access the submission system at <https://njdeponline.com>. Follow the registration process and create an account. To submit an application, select the service "Apply for a Land Use Permit or Authorization."

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

✓ 1. A completed [application form](#) (Paper submissions ONLY)

N/A 2. A completed [Property Owner Certification form](#) (Electronic submissions ONLY)

- Acceptable file formats include pdf, jpg, and png.

✓ 3. Public Notice:

- **Electronic Submissions:** A completed [Public Notice form](#). Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
- **Paper Submissions:** Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 (see below for details).

Both electronic and paper submissions require documentation of public notice as follows:

i. Notice to municipal clerk (N.J.A.C. 7:7A-17.3(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. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

- 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.

ii. Notice to governmental entities and property owners (N.J.A.C. 7:7A-17.3(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. 7:7A-17.3(e)1iii 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:
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.

- Documentation of compliance with this requirement shall consist of:
 - 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
 - 2. 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; and
 - 3. A copy of the form notice letter.
- The form notice letter required under N.J.A.C. 7:7A-17.3(e)1iii shall read as follows:

“This letter is to provide you with legal notification that an application for a <<freshwater wetlands/open water fill>> individual permit <<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 15 calendar days of receiving this letter to:

*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”*

iii. Newspaper notice (N.J.A.C. 7:7A-17.4)

If the proposed project involves more than 10 acres of fill, newspaper notice must be published in a newspaper with regional circulation in the region in which the site is located. Otherwise, newspaper notice must be published 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).

- Documentation of newspaper notice shall consist of:
 1. A copy of the published newspaper notice; and
 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

“Take notice that an application for a <<freshwater wetlands/ open water fill>> individual permit <<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 15 calendar days of the date of this notice to:

*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”*

✓ 4. Application fees:

- **Electronic Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, payable through the online service via credit card or e-check, or to receive a bill, select “Bill Me” on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.
- **Paper Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to “Treasurer State of New Jersey.”

✓ 5. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:7A-16.7(a)4:

i. Existing features:

- A. Lot Lines and right of-way lines;
- B. Delineation of wetlands, transition areas, and State open waters;
- C. Land cover and vegetation.

ii. Proposed regulated activities:

- A. Changes in lot lines;
- B. Location and area of any freshwater wetlands and/ or State open waters that will be disturbed;
- C. Size, location, and detail of any other proposed activities;
- D. Details of any planting to restore temporarily disturbed areas in accordance with N.J.A.C. 7:7A-11.8.

iii. Topography:

- A. Existing and proposed topography. All topography must reference NGVD or include the appropriate conversion factor to NGVD.

iv. Soil erosion and sediment control:

- A. Details of any proposed soil erosion and sediment control measures.

- **Electronic Submissions:** Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:7A-16.2(j) and prepared according to the Department's [site plan specifications](#) for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.
- **Paper Submissions:** Three sets of site plans, certified in accordance with N.J.A.C. 7:7A-16.2(j). Prior to issuance of any permit, the Department will require four to five sets of final site plans. The site plans must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

✓ 6. Photographs:

i. Color photographs depicting:

- A. The existing site conditions; and
- B. The location of the proposed disturbance.

ii. A photo location map showing the location and direction from which each photograph was taken.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.
- **Paper Submissions:** One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

- ✓ 7. An environmental report prepared in accordance with N.J.A.C. 7:7A-16.9(b)4 that includes:
- i. A narrative describing:
 - A. The purpose and intended use of the proposed project;
 - B. The proposed activities involved in completing the project;
 - C. A schedule for the progress and completion of the proposed project;
 - D. The total area of freshwater wetlands and/or state open waters on the site;
 - E. The total area of freshwater wetlands and/or State open waters proposed to be disturbed;
 - F. A statement indicating whether the proposed project is a "water dependent activity", as defined at N.J.A.C. 7:7A-1.3;
 - ii. A copy of the deed and/or other legal documents pertaining to the site;
 - iii. Maps, such as freshwater wetlands maps and USDA soil surveys, that provide an environmental inventory of the site;
 - iv. Information regarding special aquatic sites, public lands, critical habitat, and other relevant environmental features of the site;
 - v. An analysis of any potential temporary and/or permanent adverse environmental impact(s), whether onsite or offsite, of the proposed regulated activity or project on freshwater wetlands, State open waters, transition areas, fishery resources, and threatened or endangered species and their habitat, including any monitoring or reporting methods that will be used;
 - vi. If a site is known or suspected to be contaminated with toxic substances, and if the Department requests it, a laboratory analysis of representative samples of the soil or sediment on the site;
 - vii. An alternatives analysis demonstrating compliance with N.J.A.C. 7:7A-10.2 that includes:
 - A. A description of all alternatives considered, including offsite alternatives as well as onsite alternatives that could minimize environmental impacts on the site, and the reasons for rejecting each alternative;
 - B. Information regarding the history of the property as a whole, as necessary to evaluate the cost to the property owner of various alternatives. Such information may include:
 - Document(s) showing when the property as a whole, as defined at N.J.A.C. 7:7A-1.3, was acquired and its purchase price;
 - Documentation of any investments made to maintain and/or develop the property as a whole;
 - Documentation of attempts by the property owner to sell the property or to obtain other property; and
 - C. Description of all measures taken to reduce any potential adverse environmental impacts to the resources described under item iv above.
 - viii. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias bullata*), which are listed in [Known Locations of Swamp Pink in NJ](#), a signed statement from the applicant certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;
 - ix. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in [Known Locations of Bog Turtles in NJ](#)), a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat; and
 - x. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, a letter from the National Park Service approving the proposed activities.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip.

✓ 8. Color copies of the following maps:

- i. The tax map for the property;
- ii. A copy of the portion of the county road map showing the property location; and
- iii. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.

- **Electronic Submissions:** The required maps should be uploaded with the environmental report under the attachment type "Environmental Report with Site Location Maps." Acceptable file formats include pdf, doc, docx, rtf, and zip.

✓ 9. Location of wetlands:

The location of wetlands must be provided through one of the following:

- i. Documentation that a line delineation or line verification Letter of Interpretation (LOI) has been issued for the site; or
- ii. All information necessary for a line delineation or line verification LOI as required by the appropriate LOI checklist.

- **Electronic Submissions:** Acceptable file formats for an LOI include pdf, jpg, and png. If an appropriate LOI has not been issued for the site, the information required for a line delineation or line verification LOI should be included with the compliance statement under the attachment type "Environmental Report with Site Location Maps."

✓ 10. Calculations and analyses:

- i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.

All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Any necessary stormwater calculations must be signed and sealed by a New Jersey licensed professional engineer.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

✓ 11. Natural Heritage Program Letter:

A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 12. Mitigation:

For an activity that requires mitigation in accordance with N.J.A.C. 7:7A, the applicant may submit a mitigation proposal as part of the application for the individual permit. If the applicant does not submit a mitigation proposal with the application, the applicant must submit the mitigation proposal at least 90 calendar days before the start of activities authorized by the permit, in accordance with N.J.A.C. 7:7A-11.

- **Electronic Submissions:** If a mitigation proposal is available at the time of submission, the service will provide an attachment type for “Mitigation Proposal.” Alternatively, it may be uploaded separately at a later time through the service “Submit Additional Information for a Land Use Permit or Authorization.” Acceptable file formats include pdf, doc, docx, rtf, and zip.

13. Additional requirements:

- ✓i. Proof of ownership, such as a deed, if available – applies only if the current owner purchased the property before June 30, 1988
 - **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.
- ✓ii. A Phase IA historical and archaeological survey, and an architectural survey, defined at N.J.A.C. 7:7A-1.3 – applies only if the application reflects any of the characteristics at N.J.A.C. 7:7A-19.5(l)
 - **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip.
- N/A iii. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area
 - **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.
- ✓iv. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction
 - **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

See cover V.
letter.

Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:

- A. Written consent from the municipality in the form of a resolution of the governing body or an ordinance
- B. A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
- C. A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
 - **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 14. A computer disk containing a copy of the entire application (Paper submissions ONLY)

ATTACHMENT A-2

**Freshwater Wetlands Application Checklist -
Transition Area Waiver - Special Activity Waiver**



FRESHWATER WETLANDS APPLICATION CHECKLIST

Transition area waiver – Special activity waiver

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

To apply for a transition area waiver, please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
 Division of Land Use Regulation
 P.O. Box 420, Code 501-02A
 Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
 Division of Land Use Regulation
 501 East State Street
 Station Plaza 5, 2nd Floor
 Trenton, New Jersey 08609
Attn: Application Support

Electronic Submission

Access the submission system at <https://njdeponline.com>. Follow the registration process and create an account. To submit an application, select the service "Apply for a Land Use Permit or Authorization."

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

✓ 1. A completed [application form](#) (Paper submissions ONLY)

N/A 2. A completed [Property Owner Certification form](#) (Electronic submissions ONLY)

- Acceptable file formats include pdf, jpg, and png.

✓ 3. Public notice:

- **Electronic Submissions:** A completed [Public Notice form](#). Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
- **Paper Submissions:** Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 (see below for details).

Both electronic and paper submissions require documentation of public notice as follows:

i. Notice to municipal clerk (N.J.A.C. 7:7A-17.3(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. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

- 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.

ii. Notice to governmental entities and property owners (N.J.A.C. 7:7A-17.3(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. 7:7A-17.3(e)1iii 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. 7:7A-17.3(c)1-5), 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 trail or boardwalk 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.

- Documentation of compliance with this requirement shall consist of:
 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
 2. 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; and
 3. A copy of the form notice letter.
- The form notice letter required under N.J.A.C. 7:7A-17.3(e)1iii shall read as follows:

"This letter is to provide you with legal notification that an application for a transition area waiver <<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 15 calendar days of receiving this letter to:

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”

iii. Newspaper notice (N.J.A.C. 7:7A-17.4)

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. A linear project of one-half mile or longer
- B. A shore protection development, including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or longer
- C. A public project on a site of 50 acres or more
- D. An industrial or commercial project on a site of 100 acres or more
- E. Maintenance dredging of a State navigation channel of one-half mile or longer

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

- Documentation of newspaper notice shall consist of:
 - 1. A copy of the published newspaper notice; and
 - 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

“Take Notice that an application for a transition area waiver <<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 15 calendar days of the date of this notice to:

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”

✓ 4. Application fees:

- **Electronic Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, payable through the online service via credit card or e-check, or to receive a bill, select "Bill Me" on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.
- **Paper Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to "Treasurer State of New Jersey."

✓ 5. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:7A-16.7(a)4:

i. Existing features:

- A. Lot Lines and right of-way lines;
- B. Delineation of wetlands, transition areas, and State open waters;
- C. Land cover and vegetation.

ii. Proposed regulated activities:

- A. Changes in lot lines;
- B. Location and area of any transition areas that will be disturbed;
- C. Size, location, and detail of any proposed activities;
- D. For a special activity transition area waiver, include the following:
 - 1) The location and extent of areas that are significantly disturbed so that they are not functioning as a transition area, including impervious surfaces; and
 - 2) The location and extent of proposed development and attendant features including but not limited to septic systems discharging onsite, stormwater outfalls, and proposed stormwater management measures;
- E. Details of any planting to restore temporarily disturbed areas in accordance with N.J.A.C. 7:7A-11.8.

iii. Topography:

- A. Existing and proposed topography. All topography must reference NGVD or include the appropriate conversion factor to NGVD.

iv. Soil erosion and sediment control:

- A. Details of any proposed soil erosion and sediment control measures.

- **Electronic Submissions:** Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:7A-16.2(j) and prepared according to the Department's [site plan specifications](#) for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.
- **Paper Submissions:** Three sets of site plans, certified in accordance with N.J.A.C. 7:7A-16.2(j). Prior to issuance of any permit, the Department will require four to five sets of final site plans. The site plans

must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

✓ 6. Photographs:

- i. Color photographs depicting:
 - A. The existing site conditions; and
 - B. The location of the proposed disturbance.
- ii. A photo location map showing the location and direction from which each photograph was taken.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.
- **Paper Submissions:** One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

✓ 7. A compliance statement that includes:

- i. For a special activity transition area waiver for stormwater management under N.J.A.C. 7:7A-8.3(d), a written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-8.3(c) and (d). The alternatives analysis must list the possible alternatives and explain why each was rejected;
 - ii. For a special activity transition area waiver for linear development under N.J.A.C. 7:7A-8.3(e), a written alternatives analysis that satisfies the requirements of N.J.A.C. 7:7A-8.3(c) and (e). The alternatives analysis must list the possible alternatives and explain why each was rejected;
 - iii. For a special activity transition area waiver for a project that would be eligible for an individual freshwater wetlands permit under N.J.A.C. 7:7A-8.3(g), the information required for an individual freshwater wetlands permit application at N.J.A.C. 7:7A-16.9 and the appropriate application checklist;
 - iv. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias bullata*), which are listed in [Known Locations of Swamp Pink in NJ](#), a signed statement from the applicant certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;
 - v. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in [Known Locations of Bog Turtles in NJ](#)), a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;
 - vi. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, a letter from the National Park Service approving the proposed activities;
 - vii. If the application reflects any of the characteristics at N.J.A.C. 7:7A-19.5(l), a Phase IA historical and archaeological survey, and an architectural survey, defined at N.J.A.C. 7:7A-1.3; and
 - viii. A copy of the deed and/or other legal documents pertaining to the site.
- **Electronic Submissions:** The compliance statement should be uploaded under the attachment type "Environmental Report with Site Location Maps." Acceptable file formats include pdf, doc, docx, rtf, and zip.

✓ 8. Color copies of the following maps:

- i. The tax map for the property;
- ii. A copy of the portion of the county road map showing the property location; and
- iii. A copy of the USGS quad map(s) that includes the site, with the site clearly outlined to scale.

- **Electronic Submissions:** The required maps should be uploaded with the compliance statement under the attachment type “Environmental Report with Site Location Maps.” Acceptable file formats include pdf, doc, docx, rtf, and zip.

* 9. Location of wetlands:

* All information necessary for a line verification LOI as required by the appropriate LOI checklist is provided.

Documentation that a line delineation or line verification Letter of Interpretation (LOI) has been issued for the site

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 10. Calculations and analyses:

- i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.

All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Any necessary stormwater calculations must be signed and sealed by a New Jersey licensed professional engineer.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

✓ 11. Natural Heritage Program Letter:

A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 12. Mitigation:

For an activity that requires mitigation in accordance with N.J.A.C. 7:7A, the applicant may submit a mitigation proposal as part of the application for the individual permit. If the applicant does not submit a mitigation proposal with the application, the applicant must submit the mitigation proposal at least 90 calendar days before the start of activities authorized by the permit, in accordance with N.J.A.C. 7:7A-11.

- **Electronic Submissions:** If a mitigation proposal is available at the time of submission, the service will provide an attachment type for “Mitigation Proposal.” Alternatively, it may be uploaded separately at a later time through the service “Submit Additional Information for a Land Use Permit or Authorization.” Acceptable file formats include pdf, doc, docx, rtf, and zip.

13. Additional requirements:

- N/A i. Aerial photo and/or approved site plans – applies only if the application is for a special activity transition area waiver for redevelopment and the disturbance in the area of the proposed activity was lawfully existing prior to July 1, 1989 or was previously permitted under N.J.A.C. 7:7A.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

N/A ii. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ iii. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

See cover
letter.

iv. Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:

- A. Written consent from the municipality in the form of a resolution of the governing body or an ordinance
 - B. A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
 - C. A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 14. A computer disk containing a copy of the entire application (Paper submissions ONLY)

ATTACHMENT A-3

**Freshwater Wetlands Protection Act Rules Application
Checklist – Letter of Interpretation – Line Verification**



**State of New Jersey
Department of Environmental Protection**

Revised: January 2019

Website: www.nj.gov/dep/landuse



**FRESHWATER WETLANDS PROTECTION ACT RULES
APPLICATION CHECKLIST**

Letter of Interpretation: Line Verification

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

To apply for a letter of interpretation, please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
Division of Land Use Regulation
501 East State Street
Station Plaza 5, 2nd Floor
Trenton, New Jersey, 08609
Attn: Application Support

Please note: If you apply for a letter of interpretation and a permit, authorization, or waiver at the same time, the application requirements may be combined.

✓ 1. Completed application form;

✓ 2. Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17, as follows:

Notice to municipal clerk (N.J.A.C. 7:7A-17.3(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. 7:7A-17.3(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. 7:7A-17.3(e)1iii 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:**

Unless the LOI is submitted with an application for a project listed at N.J.A.C. 7:7A-17.3(c)1-5 (which require different notice to property owners as described in the rules), 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. 7:7A-17.3(e)1iii shall read as follows:

"This letter is to provide you with legal notification that an application for letter of interpretation <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the site shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE SITE AND ANY 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 15 calendar days of receiving this letter to:

*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. 7:7A-17.4)

Please refer to this portion of the rules for guidance on providing newspaper notice for certain large scale linear, public, or commercial projects.

✓ 3. The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order:

- i. If not located in the Pinelands Area, made payable to "Treasurer State of New Jersey"
- ii. If located in the Pinelands Area, made payable to "NJDEP-Pinelands Wetlands Program."

✓ 4. State plane coordinates in accordance with N.J.A.C. 7:7A-16.7(a)

- i. If submitted with an application for a linear project of one-half mile or longer, include State plane coordinates at the endpoints of the project and State plane coordinates for points located at 1,000-foot intervals along the entire length of the project;
- ii. If submitted with an application for a linear project of less than one-half mile in length, include State plane coordinates at the endpoints of the project;

iii. If submitting an application for only an LOI, or an LOI and any other project, State plane coordinates at the approximate center of the site (within 50 feet of the actual center).

✓ 5. One set of color photographs showing a representative sample of the vegetation on the site or portion(s) of the site affected by the LOI application. Photographs must be mounted on 8½ -inch by 11-inch paper and accompanied by a map showing the location and direction from which each photograph was taken. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

✓ 6. Color copies of the following maps:

- i. The tax map for the property;
- ii. A copy of the portion of the county road map showing the property location;
- iii. A copy of the county soil survey map with the site clearly outlined; and
- iv. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.

✓ 7. Documentation of the name(s) and qualification(s) of the person(s) who prepared the application. For a Line Verification LOI, this includes the person who performed the delineation.

✓ 8. Data sheets for sample locations including:

- i. Soil borings: Soil logs describing the soil characteristics at the location of each soil boring, including a description of the field indicators, or lack thereof, for hydrology as outlined in the 1989 Federal manual;
- ii. Vegetation: A description of the vegetative species on the site recorded at each soil boring location classified using the United States Fish and Wildlife Service (USFWS) categories listed under "R/IND" and "NAT-IND" (Regional and National Indicators) columns in the "National Wetlands Plant List" and amendments thereto, compiled by the USFWS, United States Army Corps of Engineers, USEPA and the USDA's Natural Resources Conservation Service;

✓ 9. Survey: Five (5) folded copies of a topographical survey of the site; drawn at a scale of no more than 1 inch to 50 feet, certified in accordance with N.J.A.C. 7:7A-16.2(j), signed and sealed by a licensed surveyor pursuant to N.J.A.C. 13:40-7.2 through 7.4 and N.J.A.C. 7:7A-16.2(h) and 16.3(a)4, which:

- i. Includes the site boundaries (If applying for a line verification for an entire site) or identifies the portion of the site (which meets the requirements of N.J.A.C. 7:7A-4.5(b)2-3) subject to the verification
- ii. Proposed boundaries of all on-site wetlands, and/or State Open Waters plus all transition areas (boundary of transition area can be added prior to application or during review);
 - A. When delineating a State open water one to five feet in width measured from top of bank, with no wetland boundary, the delineation shall indicate the centerline of the State open water with several data points numbered and shown on the plans. When delineating a State open water that is greater than five feet in width, the delineation shall include two survey lines, with numbered points, depicting the top of bank on both sides of the State open water;
- iii. Depicts the flags or stakes identifying the boundaries in the field, sequentially numbered, and sequentially numbered line segments between each flag or stake;
- iv. Identifies the location and identifying number of each sample location described in item A above;
- v. Topographic contours as follows:
 - A. If the site is located in Middlesex County or Mercer County or anywhere north of these counties, the survey must show topographic contours at intervals of no more than five feet;
 - B. If the site is located south of Middlesex and Mercer Counties, the survey must show topographic contours at intervals of no more than two feet

vi. A digital copy, georeferenced in NAD 83, of any survey can also be provided in addition to the paper.

*
10. Site requirements:

- i. Boundary Markers: The property boundaries and the proposed boundaries of all wetlands and/or open waters must be flagged and/or staked on the site as follows:
 - A. All flags and/or stakes must be present on the site prior to submission of the application to the Department;
 - B. The flags and/or stakes must be no more than 75 feet apart, must be set in relation to identifiable points and landmarks if possible and from each flag and/or stake you should be able to see the adjacent ones;
 - C. Each flag and/or stake must be uniquely (sequentially if possible) numbered and identified on the survey;
 - D. Flag and/or stakes shall be positioned so that they can be clearly visible at any time and any weather condition during the year, i.e. care should be taken so that flags and/or stakes are not positioned in a location likely to be covered by snow in the winter or overgrown in the summer.
 - E. Flags should not be tied to dead or annual vegetation.
- ii. Sample locations: All sample locations referenced in the data sheets must be clearly marked in the field.

N/A 11. Isolated wetland: If the applicant would like the Department to verify that a wetland is an isolated wetland, a request for that determination, and supporting documentation demonstrating that the wetland is isolated. For example, if inlets or pipes are present in the vicinity of the subject wetland, a map of the storm sewer system depicting the endpoint and invert elevations of the inlet or pipe.

* All required information to map and identify wetlands in the project area is included in this permit application.

ATTACHMENT A-4

**Flood Hazard Area Application Checklist –
Individual Permit**



State of New Jersey

Department of Environmental Protection

Revised: April 15, 2019

Website: www.nj.gov/dep/landuse



FLOOD HAZARD AREA APPLICATION CHECKLIST

Individual Permit

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

To apply for a flood hazard area individual permit, please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
Division of Land Use Regulation
501 East State Street
Station Plaza 5, 2nd Floor
Trenton, New Jersey 08609
Attn: Application Support

Electronic Submission

Access the submission system at <https://njdeponline.com>. Follow the registration process and create an account. To submit an application, select the service "Apply for a Land Use Permit or Authorization."

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

- ✓ 1. A completed [application form](#) (Paper submissions ONLY)

- N/A 2. A completed [Property Owner Certification form](#) (Electronic submissions ONLY)
 - Acceptable file formats include pdf, jpg, and png.

- ✓ 3. Public notice:
 - **Electronic Submissions:** A completed [Public Notice form](#). Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
 - **Paper Submissions:** Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 (see below for details)

Both electronic and paper submissions require documentation of public notice as follows:

i. 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. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

- 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.

ii. 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)1iii 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.

- Documentation of compliance with this requirement shall consist of:
 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
 2. 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; and
 3. A copy of the form notice letter.
- 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 a flood hazard area individual permit <<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 15 calendar days of receiving this letter to:

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”

iii. 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. A linear project of one-half mile or longer
- B. A public project on a site of 50 acres or more
- C. An industrial or commercial project on a site of 100 acres or more
- D. 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.

- Documentation of newspaper notice shall consist of:
 - 1. A copy of the published newspaper notice; and
 - 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

“Take notice that an application for a flood hazard area individual permit<<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 15 calendar days of the date of this notice to:

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”

iv. Notice for an individual permit based on a hardship exception

For an application for an individual permit based on a hardship exception, the notice letter (and newspaper notice, if applicable) must contain the following information in the project description:

- A. A description of the nature of the hardship; and
- B. The citation and subject matter of each requirement in this chapter for which the hardship exception is being requested.

v. Notice for projects located in the Pinelands Area

For a project in the Pinelands Area as designated under the Pinelands Protection Act at N.J.S.A. 13:18A-11.a, documentation showing that a copy of the application form has been provided to the New Jersey Pinelands Commission. For electronic submissions, the "application form" will consist of a description of the project, including the lot, block, municipality, and county, and the specific permit(s)/authorization(s) being sought.

✓ 4. Application fees:

- **Electronic Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, payable through the online service via credit card or e-check, or to receive a bill, select "Bill Me" on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.
- **Paper Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to "Treasurer State of New Jersey."

✓ 5. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:13-18.4(a)4:

- i. Existing features such as lot lines, structures, land coverage, and vegetation;
- ii. All proposed regulated activities such as changes in lot lines; the size, location, and details of any proposed structures, roads, or utilities; details of any clearing, grading, filling, and excavation; the location and area of any riparian zone vegetation that will be disturbed; cross-sections of regulated waters or water control structures being analyzed; and the anticipated limits of disturbance;
- iii. Topography:
 - A. Existing and proposed topography where necessary to demonstrate that the proposed regulated activity or project meets the requirements of this chapter. All topography must reference NGVD or include the appropriate conversion factor to NGVD.
- iv. Soil erosion and sediment control:
 - A. Details of any proposed soil erosion and sediment control measures.
- v. Riparian zone:
 - A. The location of any riparian zone onsite (see N.J.A.C 7:13-4.1); and
 - B. The limits of the regulated water including the "top of bank" and the "centerline" for linear waters. Where the top of bank is not discernible, show the limits of the two-year flood, for a linear *regulated water* that has a *drainage area* of 150 acres or more.
 - C. Details of proposed mitigation in accordance with N.J.A.C. 7:13-13).

vi. Metes and bounds description:

- A. A metes and bounds description of any existing and proposed flood hazard area and floodway limits onsite; and
- B. Identification of the method at N.J.A.C. 7:13-3 that was used to determine these limits.

vii. Flood hazard area/floodway information:

- A. If the entire site lies within a flood hazard area and/or floodway, the site plans shall indicate this; and
- B. The elevation(s) of the flood hazard area design flood throughout the site.

viii. Details of construction proposed in a regulated water:

- A. A thorough description of proposed construction methods;
- B. A timetable for construction; and
- C. Details of any trenching, diversionary channels, temporary piping, and other disturbances to the regulated water.

- **Electronic Submissions:** Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:13-18.2(j) and prepared according to the Department's [site plan specifications](#) for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.
- **Paper Submissions:** Three sets of site plans certified in accordance with N.J.A.C. 7:13-18.2(j). Prior to issuance of any permit, the Department will require four to five sets of final site plans. The site plans must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

NOTE: In accordance with N.J.A.C. 7:13-18.2(h) et seq., an applicant may elect to prepare his or her own plan if both of the following are true: (1) the applicant proposes the construction of a single-family home or duplex or an accessory structure, such as a patio, garage, or shed on his or her own property for his or her own use and (2) the proposed regulated activity or project is one for which no survey, topography, or calculations are necessary to demonstrate the requirements of this chapter are met.

✓ 6. Photographs:

- i. Color photographs depicting:
 - A. The entire project area; and
 - B. Any sections of channel or riparian zone that will be disturbed by the project.
- ii. A photo location map showing the location and direction from which each photograph was taken.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.
- **Paper Submissions:** One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

✓ 7. An engineering report prepared in accordance with N.J.A.C. 7:13-18.5 that includes:

- i. The signature and seal of an engineer;
- ii. The name, address, and telephone number of the engineer, as well as any other person designated by the engineer to answer questions about the report;

- iii. All supporting hydrologic, hydraulic, flood storage volume, stormwater and structural calculations that are necessary to demonstrate that the application meets the requirements of N.J.A.C. 7:13;
 - iv. A narrative that explains the submitted calculations and describes why each particular calculation or methodology was used;
 - v. All maps, references, and other supporting materials that were used to prepare the submitted calculations;
 - vi. The total area of impervious surface proposed and the total land area that will be disturbed;
 - vii. For an application for an individual permit for which the Department is reviewing a stormwater management plan pursuant to N.J.A.C. 7:13-12.2, the following information where applicable:
 - A. An explanation of how nonstructural stormwater management strategies have been maximized on site, as required at N.J.A.C. 7:8-5.3;
 - B. A demonstration of how the regulated activity and/or project meets the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2;
 - C. A table which compares existing and proposed stormwater discharges for the two-year, 10-year, and 100-year storm in order to demonstrate compliance with the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3; and
 - D. An explanation of how the regulated activity and/or project meets the water quality standards at N.J.A.C. 7:8-5.5;
 - viii. For an application for an individual permit for a project located in the Central Passaic Basin that relies on fill credits, as described at N.J.A.C. 7:13-11.4(s) and (t), documentation that the fill credits have been purchased by the applicant prior to the submittal of the application; and
 - ix. For all applications, the certification set forth at N.J.A.C. 7:13-18.2(j).
- **Electronic Submissions:** Acceptable file formats include pdf and zip. Engineering reports must be digitally signed and sealed by a New Jersey licensed professional engineer. Digital signatures and seals must meet the requirements of N.J.A.C. 13:40-8.1A. Engineering reports with electronic signatures, such as scans of reports with a handwritten signature, will not be accepted.
 - **Paper Submissions:** Three copies of the engineering report are required.

- ✓ 8. An environmental report prepared in accordance with N.J.A.C. 7:13-18.6 that includes:
- i. A narrative describing the proposed design and the construction techniques that will be used;
 - ii. The following maps:
 - A. Maps that provide an environmental inventory of the site such as the freshwater wetlands maps and the USDA soil survey; and
 - B. A copy of a Department flood hazard area map or FEMA flood insurance rate map with the site clearly outlined to scale, if such mapping exists.
 - iii. For projects proposing disturbance to the riparian zone, include a chart which details the proposed regulated activity, the maximum allowable area of vegetation disturbance as set forth in N.J.A.C. 7:13-11, the proposed areas of disturbance, whether the disturbance is temporary or permanent, the amount of mitigation required, and the amount of mitigation proposed. Provide total area for riparian zone disturbance (permanent & temporary) and mitigation required and proposed. Disturbance and mitigation amounts should be provided in square feet and acres; and
 - iv. An analysis of any potential temporary and/or permanent adverse environmental impact(s), whether onsite or offsite, of the proposed regulated activity or project on regulated waters, channels, riparian zones, fishery resources, and threatened or endangered species and their habitat, which includes:
 - A. A justification for the proposed regulated activity or project, including an explanation of why any proposed regulated activity or project and its location is the most appropriate for the

- site, and how the proposed location and design minimizes adverse environmental impact(s) to the resources;
- B. An analysis of alternatives to the proposed regulated activity or project, including a no-build alternative;
 - C. A description of all measures to be taken to reduce any potential adverse environmental impact(s) to the resources;
 - D. A plan to mitigate the effects of all adverse environmental impacts; and
 - E. Any monitoring or reporting methods that will be used.
- v. For an individual permit for activities which are likely to either disturb an area known to contain a threatened or endangered species or disturb any habitat that could support a threatened or endangered species, a survey for threatened or endangered species and their habitat. This survey shall be performed by a person with education and experience in wildlife biology, zoology, and/or botany, as appropriate, and shall include:
- A. The name, address, and qualifications of all persons participating in the survey;
 - B. The acreage of the surveyed area;
 - C. A USGS quad map with the surveyed area for each threatened or endangered species and their habitat outlined;
 - D. A description of each habitat and cover type onsite including vegetation, hydrology, soils, and natural communities. These habitats shall be assessed for suitability and compatibility to the life history of the threatened or endangered species being investigated. If no threatened or endangered species are observed, a discussion of the site's suitability for such species shall be provided;
 - E. The date and time of the investigation (including total number of hours spent by each observer for species observation);
 - F. The number of observers present on the site at any one time, including their location on the site relative to one another;
 - G. Site conditions during the survey, such as precipitation, temperature, wind speed and direction, artificial or natural noise, and nearest onsite or offsite human activity or development;
 - H. If the survey reveals the presence or evidence of a threatened or endangered species, detailed information regarding each sighting, including:
 - Whether the subject was sighted directly or identified by call, track, scat, remains, or other indirect evidence of presence;
 - The date(s) and time(s) of each such sighting or discovery of evidence;
 - The relative age and condition of any indirect evidence observed and its location on the property;
 - A description of the techniques and methodologies employed by the observer during the site investigation;
 - If a wildlife species is observed directly, the number of each species observed, likely age, observed activity, gender, location on or near the site, and proximity to the observer at each sighting; and
 - If a plant species is observed directly, the number of each species observed and its location on or near the site; and
 - I. The certification set forth at N.J.A.C. 7:13-18.2(j).
- vi. For regulated activities requiring an individual permit where activities are proposed within the inner 150 feet of the 300-foot riparian zone, provide documentation that demonstrates:

- A. There is no practicable alternative to the regulated activity that would have less adverse impact on the regulated areas and which would not significantly compromise other environmental resources;
- B. The regulated activity results in the minimum feasible alteration or impairment of the riparian or aquatic ecosystem;
- C. The regulated activity complies with the applicable water quality standards and requirements; and
- D. The regulated activity is in the public interest, including consideration of the following:
 - The practicability of using reasonable alternative locations and methods to accomplish the purpose of the proposed regulated activity;
 - The functions and values provided by the riparian zone proposed to be impacted; and
 - The probable individual and cumulative impacts of the regulated activity on public health, safety, and welfare, and the environment.

vii. For an activity or 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., a Certificate of Filing, a Certificate of Completeness, or a resolution approving an application for public development, issued by the NJ Pinelands Commission.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip.
- **Paper Submissions:** Three copies of the environmental report are required.

9. Color copies of the following maps:

- i. The tax map for the property;
- ii. A copy of the portion of the county road map showing the property location; and
- iii. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.

- **Electronic Submissions:** The required maps should be uploaded with the compliance statement under the attachment type "Environmental Report with Site Location Maps." Acceptable file formats include pdf, doc, docx, rtf, and zip.

10. Calculations and analyses:

- i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.

All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Any necessary stormwater calculations must be signed and sealed by a New Jersey licensed professional engineer.

- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

11. Natural Heritage Program Letter:

A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 12. Mitigation:

For an activity that requires mitigation in accordance with N.J.A.C. 7:13, the applicant may submit a mitigation proposal as part of the application for the individual permit. If the applicant does not submit a mitigation proposal with the application, the applicant must submit the mitigation proposal at least 90 calendar days before the start of activities authorized by the permit, in accordance with N.J.A.C. 7:13-13.

- **Electronic Submissions:** If a mitigation proposal is available at the time of submission, the service will provide an attachment type for "Mitigation Proposal." Alternatively, it may be uploaded separately at a later time through the service "Submit Additional Information for a Land Use Permit or Authorization." Acceptable file formats include pdf, doc, docx, rtf, and zip.

13. Additional requirements:

N/A i. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ ii. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

See cover
letter.

iii. Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:

- A. Written consent from the municipality in the form of a resolution of the governing body or an ordinance
- B. A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
- C. A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 14. A computer disk containing a copy of the entire application (Paper submissions ONLY)

ATTACHMENT A-5

Flood Hazard Area Verification Checklist



FLOOD HAZARD AREA APPLICATION CHECKLIST

Verification

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

To apply for a flood hazard area verification, please submit the information below to:

<u>Postal Mailing Address</u>	<u>Street Address (Courier & Hand Carry Only)</u>	<u>Electronic Submission*</u>
NJ Department of Environmental Protection Division of Land Use Regulation P.O. Box 420, Code 501-02A Trenton, New Jersey 08625-0420 Attn: Application Support	NJ Department of Environmental Protection Division of Land Use Regulation 501 East State Street Station Plaza 5, 2 nd Floor Trenton, New Jersey 08609 Attn: Application Support	Access the submission system at https://njdeponline.com . Follow the registration process and create an account. To submit an application, select the service "Apply for a Land Use Permit or Authorization."

***An application for a verification may be submitted electronically only if it accompanies an application for a general permit, individual permit, or transition area waiver. Paper submission is required when applying solely for a verification.**

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

- ✓ 1. A completed [application form](#) (Paper submissions ONLY)
- N/A 2. A completed [Property Owner Certification form](#) (Electronic submissions ONLY)
 - Acceptable file formats include pdf, jpg, and png.
- ✓ 3. Public Notice:

Public notice is required only if the proposed verification is based on Method 4, 5, or 6 (see N.J.A.C. 7:13-3.4(f), 3.5, and 3.6, respectively).

 - **Electronic Submissions:** A completed [Public Notice form](#). Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
 - **Paper Submissions:** Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 (see below for details).

Both electronic and paper submissions require documentation of public notice as follows:

- i. 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. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

 - 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.

ii. 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)1iii 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 delineation of one-half mile or longer of a regulated water
- 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.

- Documentation of compliance with this requirement shall consist of:
 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
 2. 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; and
 3. A copy of the form notice letter.
- 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 a flood hazard area verification under <<Method 4/ Method 5/ Method 6>><<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 15 calendar days of receiving this letter to:

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”

iii. 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. A delineation of one-half mile or longer of a regulated water
- B. A linear project of one-half mile or longer
- C. A public project on a site of 50 acres or more
- D. An industrial or commercial project on a site of 100 acres or more
- E. 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.

- Documentation of newspaper notice shall consist of:
 - 1. A copy of the published newspaper notice; and
 - 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

“Take notice that an application for a flood hazard area verification under <<Method 4/ Method 5/ Method 6>><<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 15 calendar days of the date of this notice to:

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”

iv. Notice for projects located in the Pinelands Area

For a project in the Pinelands Area as designated under the Pinelands Protection Act at N.J.S.A. 13:18A-11.a, documentation showing that a copy of the application form has been provided to the New Jersey Pinelands Commission. For electronic submissions, the "application form" will consist of a description of the project, including the lot, block, municipality, and county, and the specific permit(s)/authorization(s) being sought.

✓ 4. Application fees:

- **Electronic Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, payable through the online service via credit card or e-check, or to receive a bill, select "Bill Me" on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.
- **Paper Submissions:** The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to "Treasurer State of New Jersey."

✓ 5. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant's name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:13-18.4(a)4:

i. Existing features:

- A. All relevant existing features such as lot lines, structures, land coverage, and vegetation

ii. Topography:

- A. Existing topography. All topography shall reference NGVD or include the appropriate conversion factor to NGVD
- B. The limits of the regulated water including the "top of bank", the "centerline" for linear waters with drainage areas of <150 acres, the limits of the two-year flood for linear waters with drainage areas of >150 acres, and/or the centerline for amorphous/irregularly shaped water features

iii. Riparian zone:

- A. The location of any riparian zone onsite (see N.J.A.C 7:13-4.1)

iv. Metes and bounds description:

- A. A metes and bounds description of any existing and proposed flood hazard area and floodway limits onsite
- B. Identification of the method at N.J.A.C. 7:13-3 that was used to determine these limits

v. Flood hazard area/floodway information:

- A. If the entire site lies within a flood hazard area and/or floodway, the site plans shall indicate this
- B. The elevation(s) of the flood hazard area design flood throughout the site

vi. Details of construction proposed in a regulated water:

- A. N/A: No regulated activities will be authorized by a verification

vii. The following statement: "NOTE: The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area and/or riparian zone. Certain activities in flood hazard areas and riparian zones are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a flood hazard area permit. Consult

www.nj.gov/dep/landuse or contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."

- **Electronic Submissions:** Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:13-18.2(j) and prepared according to the Department's [site plan specifications](#) for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.
- **Paper Submissions:** Three sets of site plans certified in accordance with N.J.A.C. 7:13-18.2(j). Prior to issuance of any verification, the Department will require four to five sets of final site plans. The site plans must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

✓ 6. Photographs:

- i. Color photographs depicting the site; and
 - ii. A photo location map showing the location and direction from which each photograph was taken.
- **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.
 - **Paper Submissions:** One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable

✓ 7. An engineering report that includes:

- i. The name, address, and telephone number of the engineer, as well as any other person designated by the engineer to answer questions about the report;
 - ii. All supporting hydrologic, hydraulic, flood storage volume, stormwater and structural calculations that are necessary to demonstrate that the application meets the requirements of N.J.A.C. 7:13;
 - iii. A narrative that explains the submitted calculations and describes why each particular calculation or methodology was used;
 - iv. All maps, references, and other supporting materials that were used to prepare the submitted calculations;
 - v. All flood maps, drainage area maps, and other materials used to determine the flood hazard area and/or floodway limits; and
 - vi. The certification set forth at N.J.A.C. 7:13-18.2(j).
- **Electronic Submissions:** Acceptable file formats include pdf and zip. Engineering reports for a verification based on Methods 4, 5, or 6 must be digitally signed and sealed by a New Jersey licensed professional engineer. Digital signatures and seals must meet the requirements of N.J.A.C. 13:40-8.1A. Engineering reports with electronic signatures, such as scans of reports with a handwritten signature, will not be accepted.
 - **Paper Submissions:** Three copies of the engineering report. Engineering reports for a verification based on Methods 4, 5, or 6 must be signed and sealed by an engineer.

✓ 8. Natural Heritage Program Letter:

A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available

- **Electronic Submissions:** Acceptable file formats include pdf, jpg, and png.

✓ 9. A computer disk containing a copy of the entire application (Paper submissions ONLY)

ATTACHMENT A-6

**Creation Restoration or Enhancement for a
Wetland Mitigation Proposal**



CREATION, RESTORATION OR ENHANCEMENT FOR A WETLAND MITIGATION PROPOSAL

CHECKLIST FOR COMPLETENESS

These are the application requirements for a “complete for further review” proposal package for an onsite or offsite freshwater wetland mitigation proposal. Please read each section and check the box next to each area after you have fully completed the information for each requirement that applies to you.

Please provide three copies of the following information and plans as well as a cd of all materials.

- 1. An introduction describing the wetland mitigation proposal. The introduction must include the following:
 - i. The type of permit that requires you to perform wetland mitigation (include a copy of the permit);
 - ii. The number of acres you are required to create, enhance and/or restore in accordance with the permit and N.J.A.C. 7:7A-11;
 - iii. Information demonstrating that the proposed mitigation alternative complies with N.J.A.C. 7:7A-11.9 or 11.10, as applicable, including information on the feasibility or practicability of other mitigation alternatives;
 - iv. The goals of the mitigation project in terms of wetlands types, values, and functions, and a discussion of how the mitigation proposal will satisfy those goals. (e.g., The goal of the wetland mitigation project is to establish a young palustrine forest surrounding an emergent wetland and open water pond, which provides flood water retention in the impacted watershed, fish and wildlife habitat, etc.);
 - v. The reason why the mitigation site is an appropriate site for meeting the goals in c. above, and the aspects of the site that will ensure the success of the mitigation project; and
 - vi. A copy of USGS quad map(s) showing the location of the permitted activity and showing the mitigation site with the state plane coordinates of the mitigation site. The accuracy of these coordinates should be within 50 feet of the actual center point of the site. For linear mitigation projects, the applicant shall provide State plane coordinates for the end-points. For linear mitigation projects 2000 feet in length and longer, the applicant shall supply additional coordinates at each 1000 foot interval.

- 2. A description (e.g., size, type, vegetation, hydrology, wildlife use, etc.) of the wetlands that are being destroyed or disturbed by the permitted activity, supported by scientific information such as scientific literature, models or other studies, previous Department approvals or correspondence regarding the disturbance; maps, photographs; soil or vegetation samples; delineations and/or other visual materials relating to the site of the disturbance.

- 3. One set of color photographs depicting the proposed mitigation site, including topographic, vegetative, stream, and wetland features. Photographs must be mounted on 8½ -inch by 11-inch paper and accompanied by a

map showing the location and direction from which each photograph was taken. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

- 4. The names and addresses of all current and proposed owner(s) of the proposed mitigation site.
- 5. The names and addresses of all consultants, engineers, and others providing technical assistance in preparing the mitigation proposal;
- 6. Written consent from the owner of the proposed mitigation area for Department representatives to enter the proposed mitigation area to conduct inspections at reasonable times.
- 7. The lot, block, municipality and county of the proposed mitigation site. This information must be clearly visible on the front page of the proposal and must also be placed on the mitigation plans as required under item 14.
- 8. A description (e.g., size, type, vegetation, hydrology, wildlife and adjacent land use etc.) of the proposed mitigation site and the proposed mitigation, including supporting soil or vegetation sample data. Avoid the need for hard engineering controls such as concrete spillways and dams when designing the mitigation project. If such structures are necessary to retain sufficient wetland hydrology then the Division recommends the applicant examine the suitability of the site for wetland mitigation.
- 9. The New Jersey Department of Environmental Protection requires a water budget to be prepared for mitigation sites. The Department recommends using the “Regionalized Water-Budget Manual for Compensatory Wetland Mitigation Sites in New Jersey”. This publication is available as an Adobe document on the Internet at: http://www.nj.gov/dep/landuse/o2_budgetmanual_final_7_22_08.pdf. The manual is indexed with quick links that take the user directly to the topic of interest within the manual. Additionally, the manual contains live links to Internet sites that will be used in the preparation of the water budget.
- 10. Existing soil profiles including the location of soil borings on the proposed mitigation site.
- 11. A detailed discussion of the substrate proposed for the mitigation site (e.g. How will the substrate of the site be prepared? How much topsoil will be added? Is the pH appropriate?). Successful mitigation typically requires that a minimum six inches of topsoil or A-Horizon be used or retained on the mitigation site. If the natural top soil from the site is to be used, it must have at least 8% organic carbon content (by weight) incorporated into the A-horizon for sandy soil and for all other soil types the topsoil must have 12% organic carbon content. If topsoil is imported onto the site it must consist of equal volumes of organic and mineral materials. Do not include the application of lime in your planting specifications unless absolutely necessary (liming a site may cause a more favorable environment for invasive species).
- 12. Documentation that the proposed mitigation will not pose an ecological risk, including characterization and assessment in accordance with the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.16 and 4.9 and any plans to remediate the site to fully address any ecological risk.
- 13. A landscape plan showing the proposed vegetative community on the proposed mitigation site that includes the following:
 - the species;
 - quantity of each species;
 - the spacing of all plantings;
 - the stock type (bare root, potted, seed); and
 - the source of the plant material.

The transition area required as part of the mitigation site under N.J.A.C. 7:7A-11.2 must also be planted. The landscape plan must identify the proper time to plant and must indicate any appropriate substitutions. If bare root stock is used, it must be planted in the spring while the plant is still dormant.

14. A preventive maintenance plan detailing how invasive or noxious vegetation will be controlled, and how predation of the mitigation plantings will be prevented. The plan shall explain the measures that will be taken if a problem with invasive or noxious plants or predation presents itself during the construction or monitoring period. If there is a problem with *Lythrum salicaria* (purple loosestrife) in the watershed in which the proposed mitigation site is located, the Program may not approve mitigation involving the establishment of an emergent freshwater wetland system because of the likelihood of failure due to invasion by this species. Listed below are several devices/structures that may be incorporated into your plan to control problems resulting from the presence of deer, geese, rodents, and rabbits on the mitigation site;

- deer fence
- goose fence
- snags for raptors
- snake hibernaculum

15. A metes and bounds description of the proposed mitigation site. The metes and bounds description shall include the transition area required under N.J.A.C. 7:7A-11.12.

16. An estimate of the actual cost of carrying out the construction of the mitigation project. The cost estimate should include but is not limited to the value of the land, engineering costs, environmental consultant fees, attorney fees, site preparation costs, construction costs, planting costs, supervising construction fees, and monitoring costs. The cost estimate of the project will be used when determining the amount of the financial assurance required.

17. A site plan for the mitigation project which includes:

i. Project location within the region;

ii. The lot and block number of the mitigation project location;

iii. Existing and proposed elevations and grades of the mitigation site and, when necessary off-site elevations and grades. All existing and proposed elevations and grades must be shown in at least one foot intervals. The slope shall be no greater than 10:1 along a created transition area as well as along any berms that are intended to function as water control structures or berms created along a stream;

iv. The transition area required under N.J.A.C. 7:7A-11.12 (50/150 foot) shown clearly;

v. A detail that shows, or a statement indicating, the soil amendments and the seed stabilization mix to be used on the mitigation site. The seed mix shall not include any fescue, deer tongue or reed canary grass. The seed mix shall either be a mixture of native non-invasive plant species or shall include an annual rye grass;

vi. A statement certifying that, following grading of the site, a disc will be run over the site to eliminate compaction;

vii. An explanation of how micro-topography will be created on the mitigation site. For example a cultivator or a bedding harrow could be used to create micro-topography;

- viii. Pre- and post construction plan views and cross sectional views of the mitigation site; and,
- ix. Location of monitoring wells and/or stream gauges that will be used to monitor and record the hydrology of the mitigation site before and after construction is complete.

18. A construction schedule including projected dates of excavation, planting, fertilizing, etc.
19. A draft conservation restriction that meets the requirements of N.J.A.C. 7:7A-12. The conservation restriction shall conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: <http://www.nj.gov/dep/landuse/forms/index.html>
20. Financial assurance that meets the requirements at N.J.A.C. 7:7A-11.17.
21. Information and/or certifications regarding the presence or absence of endangered or threatened species habitat.
22. A certification that the proposed mitigation will not adversely affect properties, which are listed or are eligible for listing on the National Register of Historic Places. If the mitigator before or during the course of mitigation work encounters a probable historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing on the National Register, the permittee shall immediately notify the Department and proceed as directed by the Department.
23. Documentation that the mitigation site was public noticed in accordance with N.J.A.C 7:7A-17 if mitigation is being performed offsite.

Proposal packages shall be submitted to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A, P.O. Box 420
Trenton, New Jersey 08625-0420
Attn: Susan Lockwood

ATTACHMENT A-7

Riparian Zone Mitigation Proposal



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

PHIL MURPHY
Governor

SHEILA Y. MURPHY
Lt. Governor

CATHERINE R. McCABE
Acting Commissioner

RIPARIAN ZONE MITIGATION PROPOSAL CHECKLIST FOR COMPLETENESS

These are the application requirements for an administratively complete proposal package for an onsite or offsite riparian zone mitigation proposal. Please read each section and check the box next to each area after you have fully completed the information for each requirement that applies to you.

Please provide two copies of the following information and plans.

- ☑ 1. An introduction describing the riparian zone mitigation proposal. The introduction must include basic information regarding the applicant and/or consultant (name, address, contact info), the disturbance for which the mitigation is intended to mitigate, the lot, block, municipality and county of the proposed mitigation site, and a copy of the permit (if issued) or enforcement document that is the source of the mitigation requirement;
- ☑ 2. The following material sufficient to explain and illustrate the existing and proposed conditions at the mitigation site, including:
 - Visual materials such as maps, site plans, planting plans, surveys, topography diagrams, delineations, and/or photographs;
 - A narrative describing the existing conditions and proposed mitigation; and
 - A preventive maintenance plan detailing how invasive or noxious vegetation will be controlled, and how predation of the mitigation plantings will be prevented;
- ☑ 3. A specific breakdown of each resource for which mitigation is being proposed and the type and quantity of proposed mitigation for each resource;
- ☑ 4. A site plan for the mitigation project which includes:
 - Project location within the region;

- The lot, block, municipality and county of the mitigation project location;
- A depiction of the metes and bounds of the mitigation area if available at the time of submission of the mitigation proposal;
- The width of the riparian zone; and
- The vegetative planting plan on the proposed mitigation site that includes the following:
 - i. Species;
 - ii. Quantity of each species;
 - iii. Spacing of all plantings (trees- 10' on center; shrubs- 8' on center, bare root- 4,000/acre);
 - iv. Stock type (bare root, potted, seed); and
 - v. Source of the plant material.
- ☑ 5. A narrative description of the planting plan. This description should identify the proper time to plant and must indicate any appropriate substitutions. If bare root stock is used, it must be planted in the spring while the plant is still dormant.
- ☑ 6. Schedules describing in detail the sequence of mitigation activities and estimated dates for completion for each mitigation activity;
- ☑ 7. A description of post-construction activities, including schedules for monitoring, maintenance and reporting;
- ☑ 8. Contingency measures that will be followed if the mitigation project fails or shows indications of failing;
- ☑ 9. A preventive maintenance plan detailing how invasive or noxious vegetation will be controlled, and how predation of the mitigation plantings will be prevented. The plan shall explain the measures that will be taken if a problem with invasive or noxious plants or predation presents itself during the construction or monitoring period. Listed below are several devices/structures that may be incorporated into your plan to control problems resulting from the presence of deer, geese, rodents, and rabbits on the mitigation site;
 - i. Deer fence
 - ii. Goose fence
 - iii. Snags for raptors
- ☑ 10. Information regarding the presence or absence of endangered and/or threatened species wildlife and plant species habitat;

- ☑ 11. Any letters, contracts, agreements, easements, conservation restrictions, or other draft or executed documents necessary to ensure compliance with this chapter such as:
 - a. Draft financial assurance in accordance with N.J.A.C. 7:13-13.14; for creation and restoration only, and/or
 - b. A draft conservation restriction and metes and bounds survey (if available at time of submission of mitigation proposal) that meets the requirements of N.J.A.C. 7:13-13.2(g). The conservation restriction shall conform to the format and content of the requirements at N.J.A.C. 7:13-14 and Riparian Zone Mitigation Area model conservation restriction that is available at:
<http://www.nj.gov/dep/landuse/forms/index.html>
- ☑ 12. A certification of truth and accuracy in accordance with N.J.A.C. 7:13-18.2(j)
- ☑ 13. Consent from the owner of the proposed mitigation area allowing the Department to enter the property in a reasonable manner and at reasonable times to inspect the proposed mitigation area.

For restoration and creation riparian zone mitigation projects, the following additional information shall be submitted as part of the request for approval of the mitigation proposal:

- ☑ 1. A preliminary characterization and assessment of the site in accordance with N.J.A.C. 7:13-13.4(h) to enable the Department to determine if contamination is present and if the proposed mitigation activities pose an ecological risk;
- ☑ 2. All hydrologic, hydraulic and stability engineering calculations to demonstrate that the mitigation proposal to create or restore regulated waters will comply with the requirements under the Flood Hazard Area Control Act Regulations (N.J.A.C. 7:7-13).
- ☑ 3. Information regarding relevant features of other properties in the vicinity of the mitigation area, such as whether nearby properties are publicly owned or contain preserved open space, or significant natural resources;
- ☑ 4. Cost estimates to perform the mitigation and maintain the mitigation area after construction and/or transfer is completed; and

Proposal packages shall be submitted to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A, P.O. Box 420
Trenton, New Jersey 08625-0420
Attn: Mitigation Unit