



State of New Jersey
Department of Environmental Protection

Revised: July 17, 2023

Website: <https://dep.nj.gov/wlm/lrp/>



FRESHWATER WETLANDS APPLICATION CHECKLIST

Individual Freshwater Wetlands or Open Water Fill Permit

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

All applications for a freshwater wetlands or open water fill individual permit must be submitted electronically through the submission system at <https://njdeponline.com>. Follow the registration process and create an account. To apply, select the service "Apply for a Land Use Permit or Authorization."

For more information on submitting an electronic application, visit <https://dep.nj.gov/wlm/eservices/lrp-eservices/#lup>.

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1. A completed [Property Owner Certification form](#)
 - Acceptable file formats include pdf, jpg, and png.

2. Public Notice:

A completed [Public Notice form](#). All documentation necessary to demonstrate 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.

Documentation of public notice is required 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. 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; The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and

E. 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 Resource Protection 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 Resource Protection
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 Resource Protection 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 Resource Protection
P.O. Box 420, Code 501-02A
501 East State Street
Trenton, New Jersey 08625
Attn: (Municipality in which the property is located) Supervisor"*

3. Application fees:

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.

4. 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.

- 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.

5. 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.

- Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

6. 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.

- Acceptable file formats include pdf, doc, docx, rtf, and zip.

7. 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.
- 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.

8. 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.
- 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."

9. Stormwater Management Analysis:

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, is required. Please see the

[Stormwater Management flow chart](#) to determine which version of the Stormwater Management rules applies to the application.

- All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7A-16.2(j). Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater drawings and calculations must be digitally signed and sealed by a New Jersey licensed professional engineer in accordance with N.J.A.C. 13:40-8.1A. Stormwater drawings and 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.

10. 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

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

11. 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.

- 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.

12. 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
 - 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)
 - Acceptable file formats include pdf, doc, docx, rtf, and zip.
- iii. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area
 - Acceptable file formats include pdf, jpg, and png.
- iv. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction
 - Acceptable file formats include pdf, jpg, and png.
- v. 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

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