



Water Quality Restoration Grant Unit

Guidance Document for Determining Permit Applicability

Purpose

This guidance document is intended to provide clarity for Grantee's on the process for determining whether your grant requires Land Resource Protection (LRP) permits. By following this guidance, you will facilitate a streamlined application process and ensure that the necessary permits are obtained in a timely manner.

How to Begin

The initial step in determining the need for a permit is to define the activities your grant aims to accomplish and identify the locations where these activities will be performed. Once you have a clear understanding of both the scope and location of your project, you can begin your investigation. The following steps below will give you an overview of the process, helping to determine the necessary authorizations.

Key Considerations:

- Construction activities may not commence until the required LRP permits have been approved.
- The permitting process can take up to six months to complete.

Determining if a Permit is Required

Compile a comprehensive list of all activities to be undertaken throughout the duration of your project. Once this list is completed, you can review the [Flood Hazard Area Control Act Rules](#) and the [Freshwater Wetland Protection Act Rules](#) to determine if the proposed activities are regulated by the New Jersey Department of Environmental Protection (NJDEP).

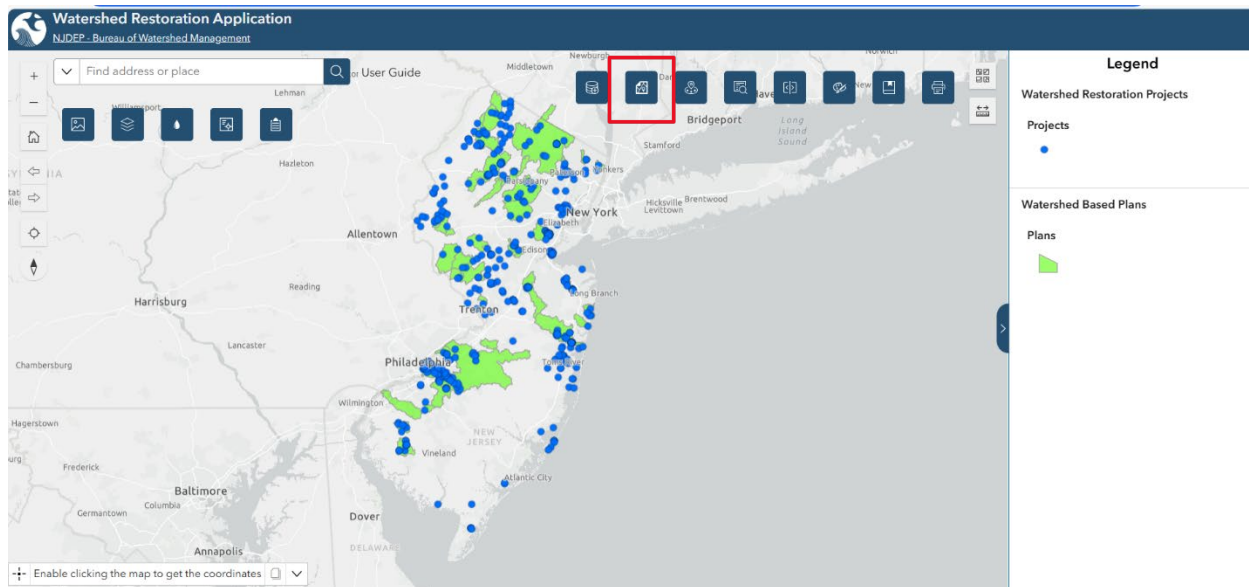
If your proposed activities are not regulated, then your grant will not require Flood Hazard Area or Freshwater Wetland permits. If your proposed activities are regulated, then you can continue your investigation to determine if your activity falls within a Flood Hazard Area or Freshwater Wetland.

Note: If you are not certain if your proposed activities are regulated, reach out to the [Office of Permit and Project Navigation \(OPPN\)](#) to schedule a pre-application meeting. Steps for scheduling this meeting are provided later in this document for your reference.

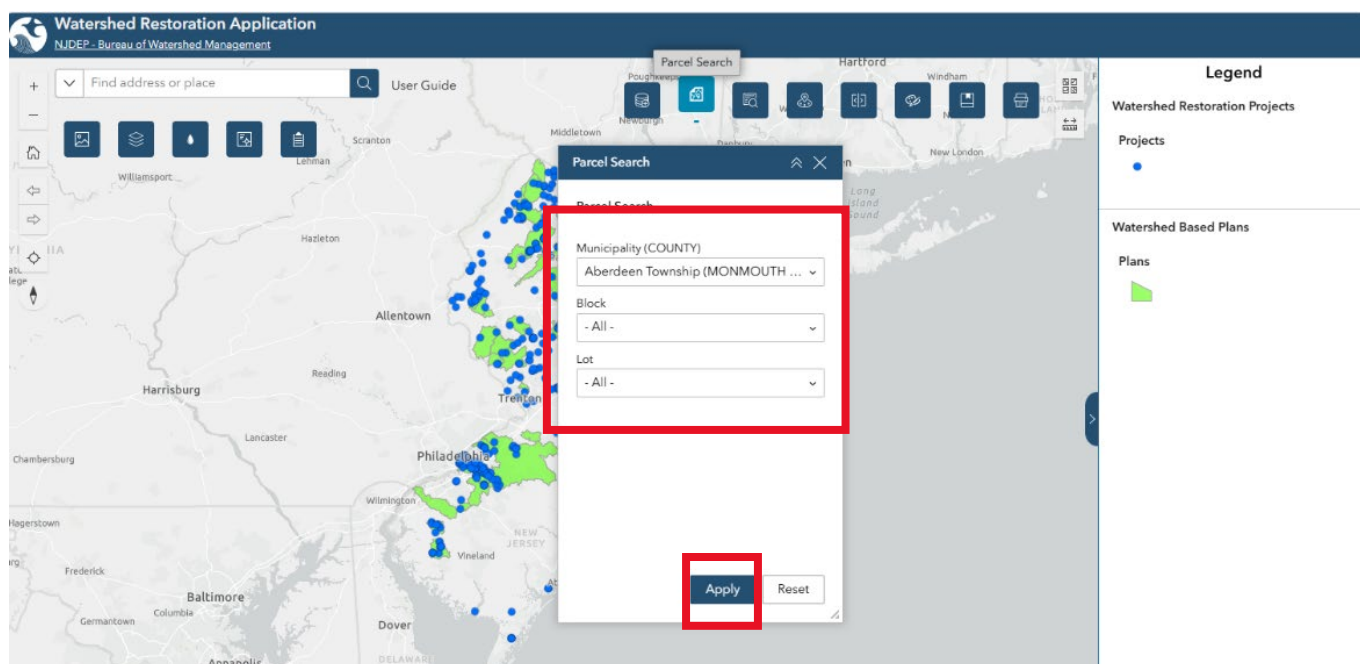
Utilizing the Watershed Restoration Application

To determine if your activity is within a Flood Hazard Area or Freshwater Wetlands, you can utilize the [Watershed Restoration Application](#). This will also aid in determining if your site contains any special areas (e.g., USEPA Priority Wetlands). To use this application, you will need to obtain the block and lot numbers for all areas where your grant activity will occur.

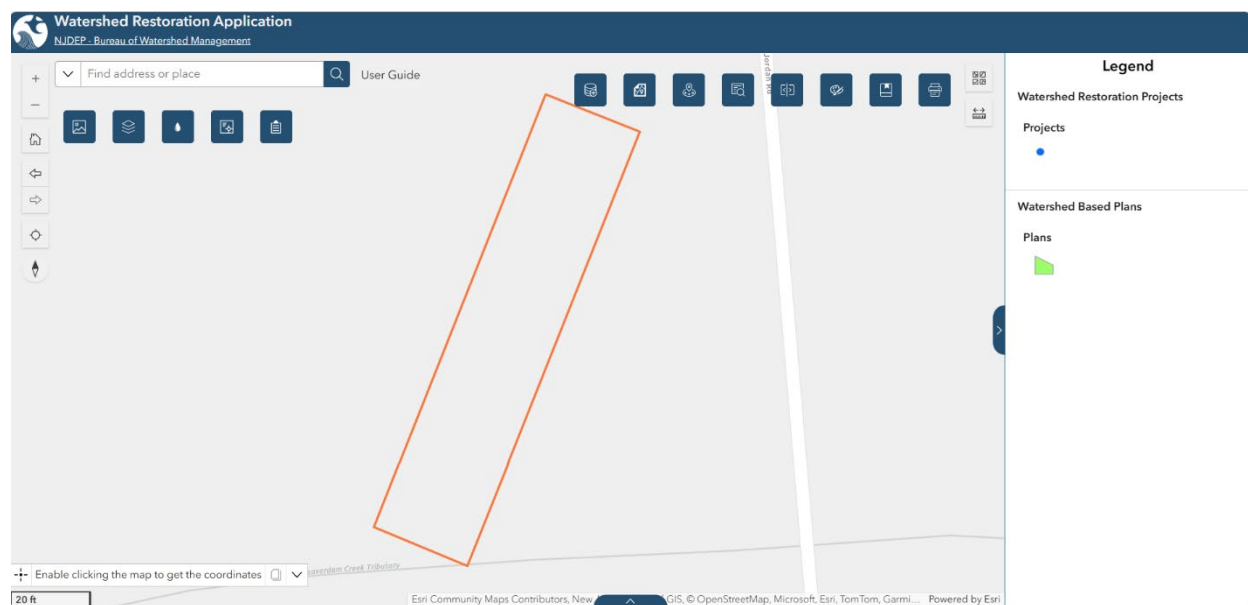
- Once you have compiled the list of those blocks and lots, you can access the application and select the parcel search widget, as shown below.



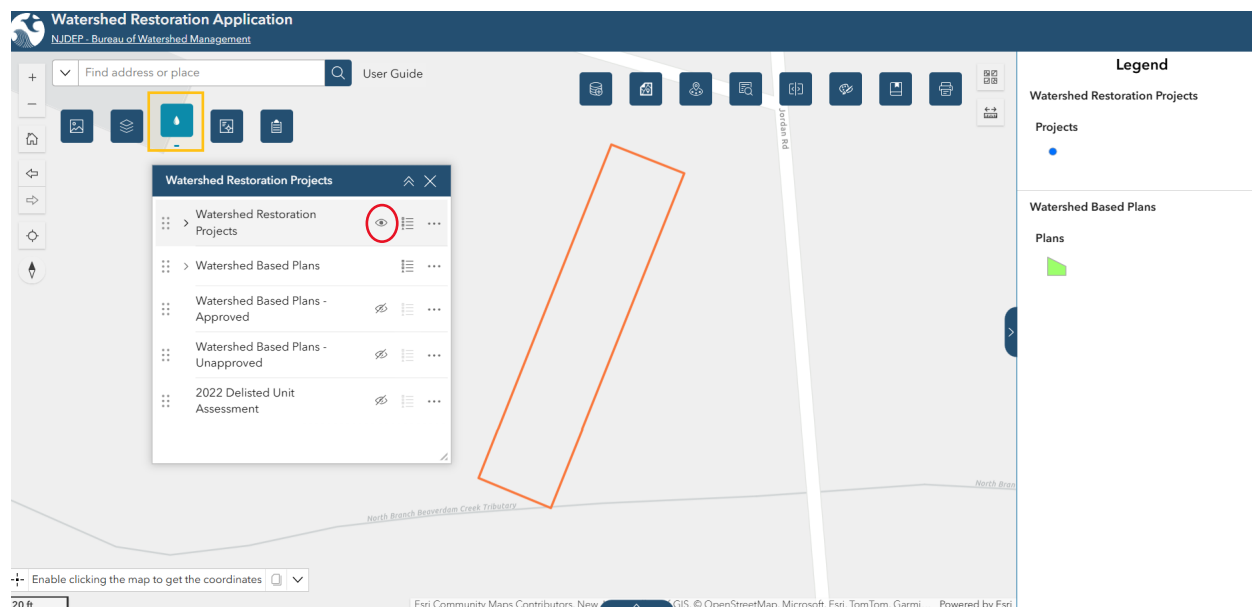
- Once the parcel search widget is selected, a drop-down box will appear, shown below, instructing you to input information. Select the appropriate municipality and insert the block and lot numbers. Then click the apply button.



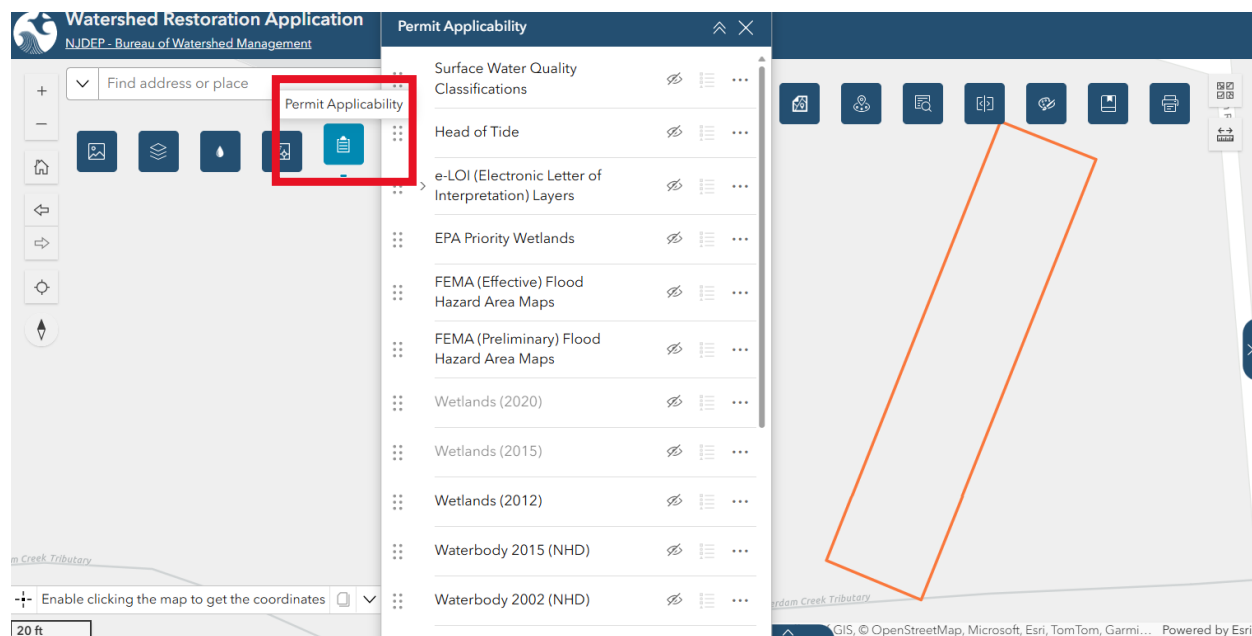
- You will now be viewing the specific block and lot (site), shown below.



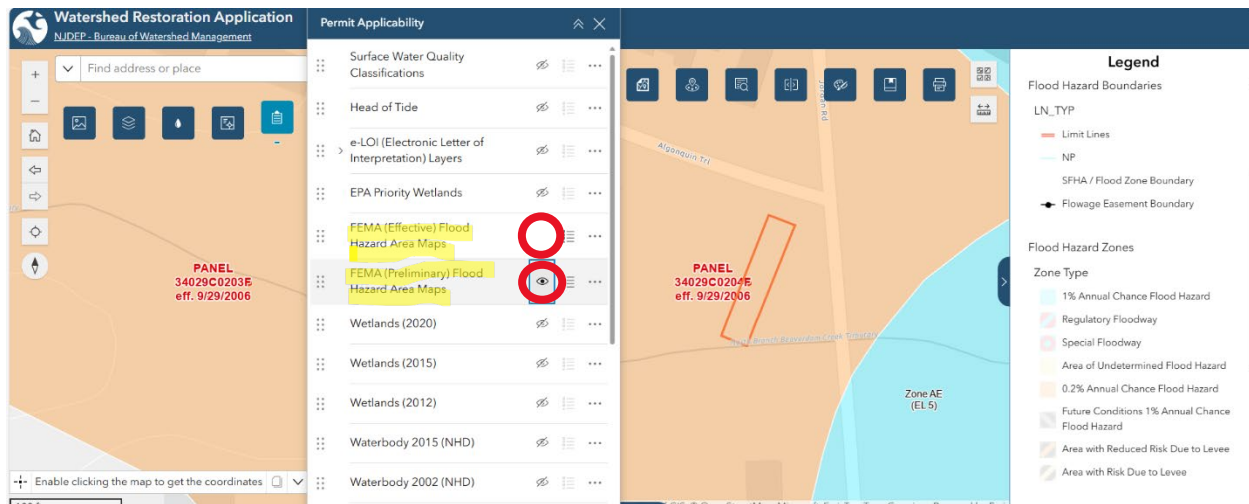
- Next, you can select the Watershed Restoration Projects widget, which will open a drop-down box. Turn off the Watershed Restoration Projects and Watershed Based Plans layers by clicking the visibility button, shown below in the red circle.



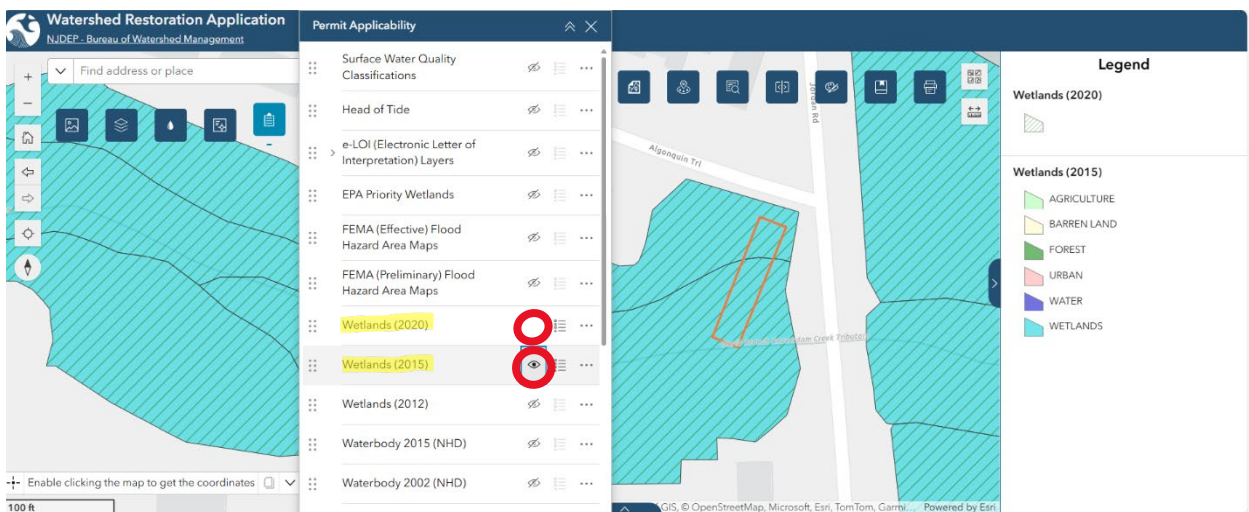
- Now that those layers are off, you can click on the Permit Applicability widget, shown below, which will open a drop-down box.



- To determine if your site falls within a Flood Hazard area, turn on the visibility (shown below in the red circle) for the FEMA (Effective) Flood Hazard Area Maps and the FEMA (Preliminary) Flood Hazard Area Maps. Use the legend, as seen on the right-hand side, to determine if your site is in a regulated area. As seen in this example, the site falls within a 0.2% Annual Chance Flood Hazard. Once you record whether your site falls within a Flood Hazard area, you can turn off the visibility.



- To determine if your site falls within a Freshwater Wetland, turn on the visibility (shown below in the red circle) for Wetlands (2020) and Wetlands (2015). Use the legend, as seen on the right-hand side, to determine if your site is in a regulated area. As seen in this example, the site falls within a wetland. Once you record whether your site falls within a Freshwater Wetland area, you can turn off the visibility.



If any portion of your site falls within a Flood Hazard Area or Freshwater Wetlands, it may require a Flood Hazard Area or Freshwater Wetlands permit. If a Flood Hazard Area or Freshwater Wetlands area does not fall within your site, then you can conclude that the project will not require a Flood Hazard or Freshwater Wetlands permit. You can repeat this process for all block and lots that are involved with your grant. Note: *If you are not certain if your proposed activities are within a Flood Hazard Area or Freshwater Wetland, reach out to OPPN to schedule a pre-application meeting with LRP.*

Steps to Scheduling a Pre-application Meeting

If after your investigation, you are still not certain if your proposed activities are regulated and require a permit, you can schedule a pre-application meeting with LRP to clarify the requirements. To schedule a pre-application meeting, contact OPPN or your grant manager, if applicable. If you have a grant manager, inquire whether they will be coordinating the meeting or if you should arrange the pre-application meeting directly through OPPN.

Associated Resources:

- [NJDEP| Watershed & Land Management | The Permit Process](#)
- [Current Laws and Regulations-WLM, Office of Permitting and Project Navigation Homepage](#)
- [Permit Applicability](#)
- [Required Items for a Pre-application Request,](#)
- [Application Form](#)
- [Permit Readiness Checklist](#)

If it is determined that you are responsible for arranging the pre-application meeting, begin the process by sending OPPN the information required in the Permit Readiness Checklist. OPPN will notify you if additional information is required and assist in coordinating a suitable date and time for the meeting. If you have a grant manager, inform them of the scheduled meeting so they can attend.

If your grant manager coordinates the pre-application meeting with LRP, provide them with all the required information on the Permit Readiness Checklist. They will inform you of the available dates and times for the meeting with LRP.

Once you have completed your investigation and believe you have correctly determined the necessary permits for your grant, confirmation with LRP is still required. To do this, send your grant manager the list of permits you believe are necessary, along with all the information outlined in the [Permit Readiness Checklist](#). Your grant manager will then contact LRP and request confirmation of the required permits for your grant.

Permit Application Fee Waived

Once you have either completed your pre-application meeting with LRP or received confirmation from LRP regarding the permits required, you may proceed with the permit application. The NJDEP can be listed as a co-applicant on the permit application, which may allow for the permit application fee to be waived. However, please note the following: the permit must be an NJDEP permit; if it is an external permit, the application fee cannot be waived. County permits are considered external and do not qualify. Additionally, the entire application package must be submitted to us before you apply for the permit, including the [Property Owner Certification Form](#), to ensure the necessary signatures are obtained to waive the fee.

Note: Permit application fees cannot be paid for by 319(h) or 604(b) grant funds.