



**State of New Jersey**  
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**FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI)  
E-SUBMISSION APPLICATION CHECKLIST AND FEE TABLE**  
(May 2018)

**This checklist is for all LOI types, as follows:**

1. A presence/absence LOI for an entire site
2. A presence/absence LOI for a portion of a site under one acre (also called a footprint of disturbance LOI). See N.J.A.C. 7:7A-4.3(d) for a detailed description of this LOI;
3. A line delineation LOI for an entire site under one acre. See N.J.A.C. 7:7A-4.4 for a detailed description of this LOI; and
4. Line verification LOI. See N.J.A.C. 7:7A-4.5 for a detailed description of this LOI.

**To complete this checklist, you will need:**

1. Property Owners Certification Form (fw\_018\_e.doc)

**Notes:**

- Please provide only one copy of each item listed on the checklist, unless the item specifically states that additional copies are required.
- The person who signs the Property Owners Certification Form must be the owner of the site and/or easement holder with legal authority over the site to carry out all requirements of any authorization issued.
- For a “Line Delineation” LOI, once the Department has delineated and flagged and/or staked the regulated wetland areas on the site, the applicant will receive notification indicating that the delineation has been completed. At this time, the applicant must resubmit through the portal a revised survey which includes the wetlands and/or open waters boundary to the Department. The Department will then issue the LOI citing the revised survey.
- As appropriate, the applicant shall inform the Department of known or suspected safety hazards located on any portion of the site in order to protect the safety of DEP staff who may visit the site to conduct wetlands verification which may include examination of soils, hydrology and vegetation. Examples of safety hazards include but are not limited to; hazardous materials on or within 18” of the soil and/or water surface, fencing, barbed wire, wells or mines, presence of guard animals on site, site access difficulties due to security clearance requirements, etc.

## APPLICATION REQUIREMENTS FOR ALL LOIs:

To be deemed administratively complete, an electronic application for a letter of interpretation must include all of the following items uploaded via the "Attachment Upload" portal page. The items can be uploaded as a PDF, JPG and various document formats. Signed documents must be uploaded as a PDF:

- Item 1  A Property Owners Certification Form (fw\_018\_e.doc, available on the Freshwater Wetlands section of our forms page at: <http://nj.gov/dep/landuse/forms.html>). Please use multiple copies of this form for multiple owners/easement holders;
- Item 2  The appropriate fee, indicated in the fee table below, paid within the portal application. Please note that you have the option to pay by "e-Check" or by Credit Card (CC). If you pay by CC there is a credit card convenience fee. If for example the DEP fee is \$50.00, the charge on your credit card will appear as \$51.95 (convenience fee = \$1.95). The convenience fee is 1.9% of the amount being charged + \$1.00. There are no fees for the use of the e-Check option;
- Item 3  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)iii 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.

- Item 4  A minimum of four (4) original color photographs sufficient to show a representative sample of the vegetation on the portion(s) of the site that are affected by the LOI application. The photo locations should be indicated on the survey or separate map.
- Item 5  The most recent municipal tax map available with the site clearly indicated;
- Item 6  A document which includes the name(s) and qualifications of the person(s) who prepared the application. This must include, in the case of a Line Verification, the person(s) who performed the delineation;
- Item 7  A written narrative and/or reports necessary to accurately describe the site, its location, existing site conditions, previous permits as well as any areas of Division regulatory jurisdiction.

In addition to the information required for ALL LOI’s, you must supply additional documentation required for the type of LOI for which you are applying.

**Additional Requirements Depending on LOI Type**

Presence/absence LOI for an entire site

Item A  **Application Requirements:** For a presence/absence LOI for an entire site under N.J.A.C. 7:7A-4.3(c)1, no additional information is required.

Item B  **Site Requirements:** The boundaries of the site shall be flagged or staked to enable Department staff to identify the site boundaries;

Item C  **Digital Survey Requirements:** On the "Site Information" section of the portal, you will be required to upload a "**Site**" shapefile which defines the boundaries of the site. There are several files which together constitute a "shapefile". You will be required to upload all of these files together as one "zip" file for each shapefile you upload. Please see the "GIS Data Requirements for NJDEP's RSP-LOI Service" website at <http://www.nj.gov/dep/landuse/eservices/cs01.html> for critical information on how to create shapefiles from CAD so that any shapefiles you upload will not be rejected by the portal.

### Presence/absence LOI for a portion of a site (Footprint of Disturbance)

Item A  **Application Requirements:** For a presence/absence LOI for a portion of a site under N.J.A.C. 7:7A-4.3(c)2, no additional information is required.

Item B  **Site Requirements:** Sequentially numbered flags and/or stakes must be placed on the site to show the boundaries of the portion of the site (or "footprint of disturbance") that the LOI will cover so that Department staff can easily find the boundary of that portion of the site. Please note that the maximum footprint allowed under this LOI is 1 (one) acre and that the footprint must encompass ALL proposed disturbance for the project including but not limited to; clearing, grading, extent of silt fences, etc.

Item C  **Digital Survey Requirements:** On the "Site Information" section of the portal, you will be required to upload both a "**Site**" shapefile and a "**Footprint**" shapefile. There are several files which together constitute a "shapefile". You will be required to upload all of these files together as one "zip" file for each shapefile you upload. Please see the "GIS Data Requirements for NJDEP's RSP-LOI Service" website at <http://www.nj.gov/dep/landuse/eservices/cs01.html> for critical information on how to create shapefiles from CAD so that any shapefiles you upload will not be rejected by the portal.

In addition, a digital copy of the survey as specified in item "D" below shall be uploaded on the "Attachment Upload" page of the portal. In addition to a PDF, it is recommended that you also upload a CAD file, which is a useful tool for the Project Manager to review the application.

Item D  **Paper Survey Requirements:** Once the administrative review is complete, you will be prompted to submit three (3) folded copies of a topographical survey of the site; drawn at a scale of no more than 1 inch to 50 feet, prepared in accordance with N.J.A.C. 7:7A-16.3(a)4, signed and sealed by a licensed surveyor and which clearly shows the portion of the site ("footprint") which the applicant wishes the LOI to cover, all areas within 150' of the footprint and which reflects the site requirements in Item "B" above;

### Line Delineation LOI for a Site Under One Acre

Item A  **Application Requirements:** For a line delineation LOI for a site under one acre under N.J.A.C. 7:7A-4.4, no additional information is required.

Item B  **Site Requirements:** The boundaries of the site shall be flagged and/or staked to enable Department staff to identify the site boundaries;

Item C  **Digital Survey Requirements:** On the "Site Information" section of the portal, you will be required to upload, at a minimum, a "Site" shapefile. You may, as an option, upload "Wetlands" polygons as well. There are several files which together constitute a "shapefile". You will be required to upload all of these files together as one "zip" file for each shapefile you upload. Please see the "GIS Data Requirements for NJDEP's RSP-LOI Service" website at <http://www.nj.gov/dep/landuse/eservices/cs01.html> for critical information on how to create shapefiles from CAD so that any shapefiles you upload will not be rejected by the portal.

In addition, a digital copy of the survey as specified in item "D" below shall be uploaded on the "Attachment Upload" page of the portal. In addition to a PDF, it is recommended that you also upload a CAD file, which is a useful tool for the Project Manager to review the application.

Item D  **Paper Survey Requirements:** Once the administrative review is complete, you will be prompted to submit three (3) folded copies of a topographical survey of the site; drawn at a scale of no more than 1 inch to 50 feet, prepared in accordance with N.J.A.C. 7:7A-16.3(a)4, signed and sealed by a licensed surveyor;

### Line Verification LOI

Item A  **Application Requirements:**

**Data Sheets:** For a Line Verification, the application must include data sheets for sample locations which include:

- \_\_\_ 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;

Item B  **Site Requirements:**

**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.

- \_\_\_ i. All flags and/or stakes must be present on the site prior to submission of the application to the Department.

- \_\_\_ ii. 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.;
- \_\_\_ iii. Each flag and/or stake must be uniquely (sequentially if possible) numbered and identified on the survey;
- \_\_\_ iv. 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.
- \_\_\_ v. Flags should not be tied to dead or annual vegetation.

**Sample Locations:** All sample locations as referenced in the data sheets must be clearly marked in the field.

Item C

**Digital Survey Requirements:** On the "Site Information" section of the portal, you will be required to upload both a "**Site**" shapefile and a "**Wetlands**" shapefile. You may optionally submit a "**Wetlands Transition Area**" polygon shapefile as well. If, however, there are off site wetlands which create a transition area on the subject site, you will be required to submit a "**Transition Area**" shapefile for, at a minimum, those off site wetlands. There are several files which together constitute a "shapefile". You will be required to upload all of these files together as one "zip" file for each shapefile you upload. Please see the "GIS Data Requirements for NJDEP's RSP-LOI Service" website at <http://www.nj.gov/dep/landuse/eservices/cs01.html> for critical information on how to create shapefiles from CAD so that any shapefiles you upload will not be rejected by the portal.

In addition, a digital copy of the survey as specified in item "D" below shall be uploaded on the "Attachment Upload" page of the portal. In addition to a PDF of the survey, it is recommended that you also upload a CAD file, which is a useful tool for the Project Manager to review the application.

Item D

**Paper Survey Requirements:** Once the administrative review is complete, you will be prompted to submit three (3) folded copies of a topographical survey, drawn at a scale of no more than one inch to 100 feet prepared in accordance with N.J.A.C. 7:7A-16.3(a)4 signed and sealed by a licensed Surveyor and must include but not be limited to the following:

- \_\_\_ i. If the application is for a line verification for an entire site under N.J.A.C. 7:7A-4.5(b) 1 or 2, the survey must show the boundaries of the site. If the application is for a line verification for only a portion of a site under N.J.A.C. 7:7A-4.5(b)3, the survey must show that portion of the site and include a metes and bounds description of that portion.
- \_\_\_ ii. The proposed boundaries of all wetlands and/or open waters on the site must be drawn and clearly labeled on the survey and must include:
  1. The flags or stakes depicted in the field identifying the wetland(s) and/or State open water(s) boundaries. Each flag must be uniquely (sequentially if possible) numbered and identified on the survey;

2. The line segments between each flag must be uniquely (sequentially if possible) numbered on the survey. The Department will assign a resource classification to each line segment as identified by its number.

\_\_\_ iii. The survey shall indicate the location and identifying number of each sample location;

\_\_\_ iv. The survey shall indicate topographic contours as follows:

1. 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;
2. 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;

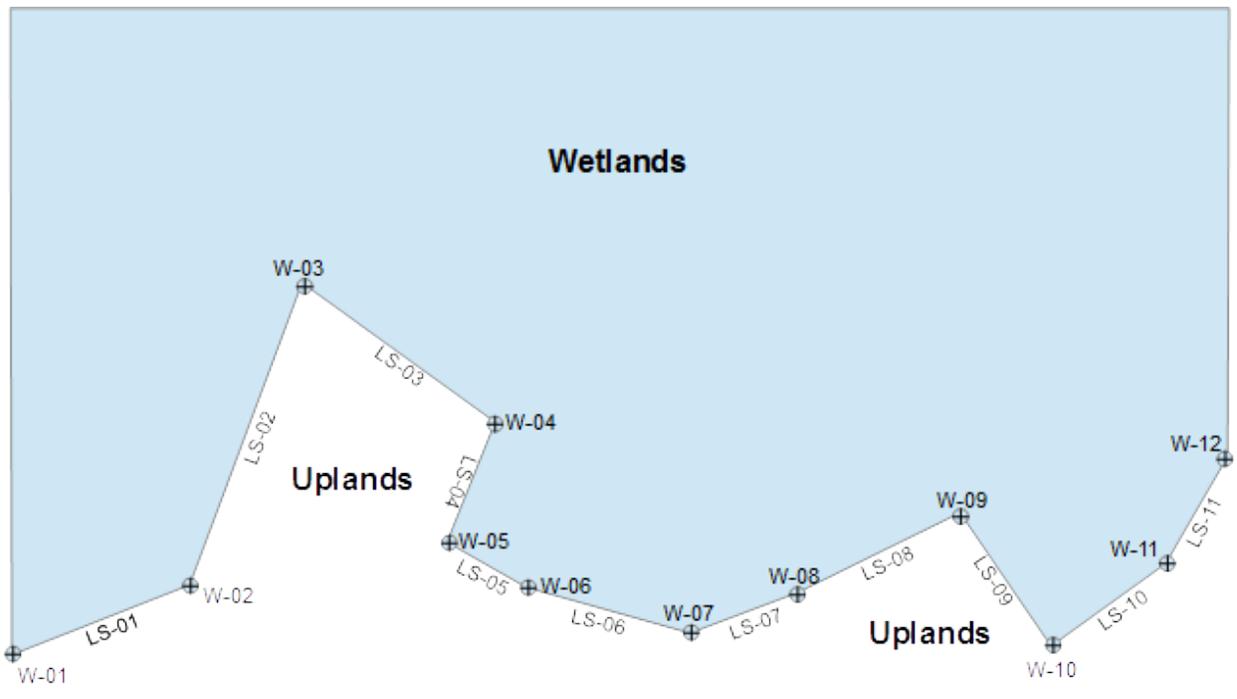
**LETTER OF INTERPRETATION (LOI) APPLICATION FEES**

<b>Type of LOI</b>	<b>Fee</b>
Presence/absence LOI -- whole site	\$1,000.00
Presence/absence LOI under N.J.A.C. 7:7A-4.3 -- portion of a site (AKA footprint of disturbance)	\$1,000.00
Line delineation LOI under N.J.A.C. 7:7A-4.4 – site smaller than one acre	\$1,000.00
Line verification LOI under N.J.A.C. 7:7A-4.5 –	\$1,000.00 plus \$100.00 per acre <sup>1</sup>
LOI extension under N.J.A.C. 7:7A-4.6	
Presence/absence LOI - extension	\$500.00
Presence/absence LOI portion of a site (A.K.A. footprint of disturbance) - extension	\$500.00
Line delineation LOI site smaller than one acre - extension	\$500.00
Line verification LOI site one acre or larger - extension	50% of the original application fee or \$500.00 – whichever is greater

Notes:

<sup>1</sup>When this fee table refers to a cost "per acre ", this means the cost is per acre or fraction thereof. For example, an area of one and one third acres would have the same fee as an area of two acres.

## Freshwater Wetland LOI Verification: Identifying Line Segments



When preparing wetland surveys for submission, the line segments between wetland flags must be labeled. Wetland flag locations are used to verify the wetland boundary location in the field as well as confirm those locations on the survey. Line segment identifications on the survey allow the Division to assign a resource classification to a segment or range of segments rather than a wetland flag or range of flags.

In the example above, wetland flag locations as delineated and surveyed in the field are identified as flags “W-01” through “W-12” while the line segments between those flags are identified as segments “LS-01” through “LS-11”.

If in the example flags “W-01” to “W-04” were identified as an Intermediate resource value wetland and flags “W-04” to “W-12” as an Exceptional resource value wetland, flag “W-04” would be used twice to identify the break between these two resource classifications. Because of this double use of a wetlands flag location in a LOI, the Division would occasionally receive surveys for transition area waivers with incorrectly drawn wetland transition area boundaries drawn.

Identifying a resource classification by line segment removes all ambiguity. Using the example above, if we instead identify the intermediate value wetlands as line segments “LS-01” to “LS-03” and identify the exceptional resource value wetlands as “LS-04” to “LS-11”, no number duplication occurs.

Some surveyors already identify line segments. Requiring segments for all Letter of Interpretation applications should eliminate confusion when attempting to draw Wetland Transition Area buffers for future applications and will save applicants time and costly site plan modification to correct TA buffers erroneously drawn. This change also allows for the simple establishment of buffers using GIS tools.