

DELINEATING FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI)



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Definition:

"LOI" is a document issued by the New Jersey Department of Environmental Protection (NJDEP) under NJAC 7:7A-4, indicating the presence or absence of wetlands, State open waters, or transition areas; verifying or delineating the boundaries of freshwater wetlands, State open waters, and/or transition areas; or assigning a wetland a resource value classification.

NJDEP issues the following five (5) types of LOIs:

Presence/Absence – Identifies whether any freshwater wetlands, State open water or transitions area exist on a site. A Presence/Absence does not identify the boundaries of any wetlands, State open water or associated transitional areas. A Presence/Absence can be issued for any site, regardless of size.

Presence/Absence – Footprint of Disturbance – Identifies whether any freshwater wetlands or State open water exist within a defined "footprint" on a subject site or whether a transition area from an adjacent wetland is within the footprint.

- The footprint area must be no larger than one acre.
- The Department will issue a FOD for more than one portion of a site, provided that:
 - o Each portion is no larger than one acre;
 - o The applicant submits a separate fee for each portion; and
 - o No more than three presence/absence LOIs shall be issued for a single site under this subsection.

Wetland Delineation – Line Delineation – Identifies the boundaries of any freshwater wetland, transition areas, and/or State open waters on a site of municipal tax lot that is one acre or smaller.

Line Verification – Identifies the boundary lines of freshwater wetlands, transition areas, and/or State open waters on a site, regardless of its size, or a municipal tax lot no larger than the site, and the resource value classification of any freshwater wetlands. The applicant must submit a proposed delineation of wetlands, transition areas, and/or State open waters, which the Department will confirm or modify.

Line Verification – Partial – Identifies the boundary lines of freshwater wetlands, transition areas, and/or State open waters on a portion of the site. All of the following criteria must be met

- The site is publicly owned;
- The site is larger than 10 acres;
- The portion that is to be verified is no larger than 10 percent of the overall site; and
- The portion is clearly marked on the plan and on the ground.

Durations:

Completeness Review – **20 days**

LOI Issuance – **3-5 months**

Life of Approval – **5 years**

Applications, Checklists, and Related Links:

Wetlands Rules and Regulations: https://www.nj.gov/dep/rules/rules/njac7_7a.pdf

Application and fee schedule of LOI: https://www.nj.gov/dep/landuse/download/lur_021.pdf

Checklist of LOI – Presence/Absence: https://www.nj.gov/dep/landuse/download/fw_050.pdf

Checklist of LOI – Delineation: https://www.nj.gov/dep/landuse/download/fw_051.pdf

Checklist of LOI – Verification: https://www.nj.gov/dep/landuse/download/fw_052.pdf

E-submission and Fee Table: https://www.nj.gov/dep/landuse/download/fw_003_e.pdf

A LOI does not grant approval to conduct any regulated activities. The sole function of a LOI is to provide or confirm information about the presence or absence, boundaries, and/or resource value classification of freshwater wetlands, transition areas, and /or State open waters.