

Wetlands FAQ

- 1. Can I build on or near Wetlands?**
 - 2. What is the value of Wetlands and why protect it?**
 - 3. How do I determine if Wetlands are on my property?**
 - 4. What if my land contains Freshwater Wetlands?**
 - 5. What are Wetland buffer areas?**
 - 6. What can I do in the buffer area around Wetland on my property?**
 - 7. Who can I call to report a suspected violation of the Freshwater Wetlands regulations?**
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Can I build on or near Wetlands?

If you are considering developing on land that may have wetlands on it, or considering adding an addition to your house that is located near wetlands, you may have restrictions. The presence of wetlands may affect where and whether you buy, build, or develop. In New Jersey and throughout the United States, wetlands are protected on public and private property.

New Jersey protects wetlands under the New Jersey Freshwater Wetlands Protection Act. This law also protects transition areas or "buffers" around freshwater wetlands. Before you invest in any activity within 150 feet of wetlands you should contact the NJDEP to see if wetland restrictions exist on the land.

For more information go to http://www.nj.gov/dep/landuse/fww/fww_main.html

What is the value of Wetlands?

Wetlands contribute to the social, economic, and environmental health of our nation in many ways:

- Wetlands protect drinking water by filtering out chemicals, pollutants, and sediments that would otherwise clog and contaminate our waters.
- Wetlands soak up runoff from heavy rains and snow melts, providing natural flood control.
- Wetlands release stored floodwaters during droughts.
- Wetlands provide critical habitats for a major portion of the State's fish and wildlife, including endangered, commercial and recreational species.

Over the last two hundred years, the United States has lost over 117 million acres of its wetlands through dredge and fill activities, drainage, development, pollution, and natural causes. Erosion, flooding, and sedimentation have resulted. Furthermore, the decrease in wetlands has decreased populations of waterfowl, fish, and shellfish. With over 54 percent of the total wetlands in the continental United States already lost, and an additional 200,000 acres disappearing every year, protecting our remaining wetlands has become a critical national priority.

How do I determine if Wetlands are on my property?

No one can be sure if an area is wetlands without gathering detailed information about the site and having the site properly inspected. Here are some clues that an area might be a wetland. If your land has any of the conditions below on or near it, you should investigate before going ahead with a project:

- The area holds water for several days after a heavy rain.
- The water table in the area is not far below the ground surface.
- Your land is located near a river, stream, pond, or lake.

Do not assume that an area cannot be a wetland because it has a mature forest on it, or because it does not have standing water. Many wetlands in New Jersey are forested areas without visible standing water. The only way to know exactly where a wetland starts and ends is by obtaining a Letter of Interpretation (LOI) from the NJ DEP. An LOI is needed before any development takes place in close proximity to wetlands to ensure NJ Freshwater Wetland Laws are being followed.

The NJ DEP now provides a wetlands mapping tool called **i-MapNJ DEP**. This web-based application can help you find a specific area of interest and provide a good indication where wetlands are located. You can use this tool free of charge. It is accessed through the DEP web site www.nj.gov/dep/gis/depsplash.htm.

What if my land contains Freshwater Wetlands?

If your land contains freshwater wetlands, you are very limited in what you may do in and around the wetlands. The Freshwater Wetlands Protection Act requires DEP to regulate virtually all activities proposed in the wetland, including cutting of vegetation, dredging, excavation or

removal of soil, drainage or disturbance of the water level, filling or discharge of any materials, driving of pilings, and placing of obstructions.

What are Wetland buffer areas?

Activities in an area within 150 feet of a wetland may be in a transition area (also called a buffer). A transition area is a strip of land bordering the wetlands. The width of the transition area may vary from 150 feet down to nothing, depending on the environmental value of the particular wetland. A wetland containing endangered species habitat requires a 150 foot wide transition area, whereas a small wetland in a ditch might not require any transition area at all. Most freshwater wetlands in Tewksbury Township are classified as exceptional value requiring a 150 foot buffer.

There are a few activities that can be pursued in a transition area under general permits. In some cases a permit may be granted to allow the transition area's shape be altered to allow an activity. Total size of the buffer around a wetland on a property must not be diminished. This is called transition area averaging.

The DEP does accommodate wetland transition area exemptions in a few special cases, mostly relating to farmland. The DEP also extends transition area exemption to:

1. Projects that received preliminary site plan or subdivision approval from a municipality prior to July 1, 1989, provided the approvals remain valid.
2. Projects for which a complete preliminary site plan or subdivision application was submitted to a municipal board prior to June 8, 1987; Projects that undergo significant enough change to require a new or amended application are not exempt from the state regulation.

What can I do in the buffer area around Wetland on my property?

A Wetland transition area is a NJ state protected area surrounding wetlands. In Tewksbury Township most of these transition areas are 150 foot buffer surrounding the wetland. The Freshwater Wetland Protection Rules restrict the following activities within wetland buffer areas:

1. Removal, excavation, or disturbance of the soil;
2. Dumping or filling with any material;
3. Erection of structures;
4. Placement of pavements;

5. Destruction of plant life which would alter the existing pattern of vegetation; and
6. Placement of any portion of a residential development project

The Freshwater Wetland Protection Rules allow very limited activity within the transitions areas. The following activity is allowed in wetland buffers:

1. Normal property maintenance;
The DEP defines this as activities required to maintain lawfully existing artificial or natural features, landscaping, gardening. including:
 - Mowing of existing fields or lawns;
 - Pruning of trees or shrubs;
 - Selective cutting of trees;
 - Replacement of existing non-native plants with other native or non-native species;
2. Minor temporary disturbance resulting from activity on adjacent land.
The DEP defined this as placement of things such as ladders or scaffolds or use of non-mechanized equipment to move man made debris from the area.
3. Erection of temporary structures covering no more than 150 square feet or less of the transition area.
The DEP defines a "temporary structure" as a shed or fence without foundation, or a structure that remains in the transition area for not more than 6 months.

Who can I call to report a suspected violation of the Freshwater Wetlands regulations?

The Township of Tewksbury and the DEP are very interested in any leads to help identify wetland violations that are taking place. If you suspect work is being performed in wetland, or in the wetland buffer surrounding wetlands you can directly contact the DEP Hotline at [1-877-WARN-DEP](tel:1-877-WARN-DEP). You may request that the DEP enforcement office keep your information anonymous so nobody will know who provided the information to the DEP. Prior to the call you may want to check to ensure the property is located near wetland by using the DEP aerial Mapping program at [DEP aerial Mapping program](#) or by calling the DEP Land Use Regulation office at (609) 777-0454 . It will be very helpful if you have the block and lot information for the property prior to the call.

Please be aware that it is virtually impossible to fully return wetlands once a disturbance takes place, it's always best to address wetland issues as soon as possible.