

**CHAPTER 13**  
**FLOOD HAZARD AREA CONTROL**

**Authority**

N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq.,  
58:11A-1 et seq. and 58:16A-50 et seq.

**Source and Effective Date**

R.2006 d.44, effective December 23, 2005.  
See: 37 N.J.R. 2759(a), 38 N.J.R. 947(a).

**Chapter Expiration Date**

Chapter 13, Flood Hazard Area Control, expires on December 23, 2010.

**Chapter Historical Note**

Chapter 13, Water Supply and Flood Plain Management, was adopted as new rules by R.1975 d.105, effective June 2, 1975. See: 6 N.J.R. 391(a), 7 N.J.R. 206(b).

Pursuant to Executive Order No. 66(1978), Chapter 13, Water Supply and Flood Plain Management, expired on July 19, 1983.

Subchapter 11, Delineated Floodways, was readopted as R.1983 d.321, effective July 21, 1983. See: 15 N.J.R. 839(a), 15 N.J.R. 1374(b).

Chapter 13, Flood Hazard Areas, was adopted as new rules by R.1984 d.201, effective May 21, 1984, and Subchapter 11, Delineated Floodways, was recodified as N.J.A.C. 7:13-7.1. See: 15 N.J.R. 2104(a), 16 N.J.R. 1201(a).

The Executive Order No. 66(1978) expiration date for Chapter 13, Flood Hazard Area Control, was extended by gubernatorial directive from May 4, 1989 to July 17, 1989. See: 21 N.J.R. 1481(a).

Pursuant to Executive Order No. 66(1978), Chapter 13, Flood Hazard Area Control, was readopted as R.1989 d.415, effective July 14, 1989. See: 21 N.J.R. 371(a), 21 N.J.R. 2350(a).

Pursuant to Executive Order No. 66(1978), Chapter 13, Flood Hazard Area Control, was readopted as R.1994 d.338, effective June 10, 1994. See: 26 N.J.R. 1036(a), 26 N.J.R. 2791(a).

Chapter 13, Flood Hazard Area Control, was repealed and Chapter 13, Flood Hazard Area Control, was adopted as new rules by R.1995 d.149. See: 26 N.J.R. 1009(a), 27 N.J.R. 1211(a).

The Executive Order No. 66(1978) expiration date for Chapter 13, Flood Hazard Area Control, was extended by gubernatorial directive from March 20, 2000 to December 31, 2000. See: 32 N.J.R. 1253(b).

The Executive Order No. 66(1978) expiration date for Chapter 13, Flood Hazard Area Control, was extended by gubernatorial directive from December 31, 2000 to June 30, 2001. See: 33 N.J.R. 553(c).

The Executive Order No. 66(1978) expiration date for Chapter 13, Flood Hazard Area Control, was extended by gubernatorial directive from June 30, 2001 to June 30, 2002. See 33 N.J.R. 2641(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 13, Flood Hazard Area Control, expiration date was extended by gubernatorial directive from June 30, 2002 to December 30, 2003. See: 34 N.J.R. 2802(c).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 13, Flood Hazard Area Control, expiration date was extended by gubernatorial directive from December 30, 2003 to June 30, 2005. See: 36 N.J.R. 886(a).

Chapter 13, Flood Hazard Area Control, was readopted by R.2006 d.44, effective December 23, 2005. See: Source and Effective Date.

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 7:13-1.1 Purpose and Scope

(a) The general purpose of this chapter is to control development in areas within the jurisdiction of this chapter in order to avoid or mitigate the detrimental effects of development upon the environment and the safety, health and general welfare of the people of the State.

(b) Areas subject to inundation by flood waters are called flood plains. For the purpose of this chapter flood plains are divided into two classes, delineated and non-delineated.

1. Delineated flood plains have been established and officially adopted ("delineated") by the State of New Jersey. Each flood plain has been divided into a floodway and a flood fringe area. The procedure for delineating flood plains is established by N.J.S.A. 58:16A-52.

2. Other flood plains, and the watercourses that create them, are referred to as non-delineated.

(c) The specific intent of this chapter is to minimize potential on and off site damage to public or private property caused by development which, at times of flood, subject structures to flooding and increase flood heights and/or velocities both upstream and downstream. These rules are also intended to safeguard the public from the dangers and damages caused by materials being swept onto nearby or downstream lands, to protect and enhance the public's health and welfare by minimizing the degradation of water quality from point and non point pollution sources and to protect wildlife and fisheries by preserving and enhancing water quality and the environment associated with the flood plain and the watercourses that create them.

(d) Without proper controls, development in the flood plain and the watercourses that create them may adversely affect the flood carrying capacity of these areas, subject new facilities to flooding, reduce natural flood storage that the flood plain provides, increase the volume of storm water runoff, degrade the water quality of the receiving water body, and result in increased sedimentation, erosion or other environmental damage. Any development in areas regulated by this chapter must conform to criteria which, as outlined in this chapter, depend upon the characteristics of the area and the type of activity involved.

(e) The rules in this chapter govern minimum standards for development within areas within the jurisdiction of this chapter. The Department shall administer permits pursuant to this chapter, except as provided in N.J.A.C. 7:13-5.3.

## Case Notes

There was insufficient factual legal basis for judgment in view of owner's failure to pursue its administrative remedies. *Laurjo Const. Co. v. State*, 228 N.J.Super. 552, 550 A.2d 518 (A.D.1988).

Term "floodway" as used in engineering report was not intended to express anything other than technical meaning which was, by definition,

portion of flood plain. *Turner v. Spyco, Inc.*, 226 N.J.Super. 532, 545 A.2d 192 (A.D.1988).

Township's zoning ordinance's adoption of most restrictive definition of 100-year flood plain, wherein no buildings or structures could be erected, did not permit site specific analysis. *Turner v. Spyco, Inc.*, 226 N.J.Super. 532, 545 A.2d 192 (A.D.1988).

Threat to safety resulting from construction within 100 year flood plain should weigh strongly against variances from municipality's flood-related ordinance. *Turner v. Spyco, Inc.*, 226 N.J.Super. 532, 545 A.2d 192 (A.D.1988).

Validity of regulations affirmed. *Society for Environmental Economic Development v. Dept. of Environmental Protection*, 208 N.J.Super. 1, 504 A.2d 1180 (App.Div.1985).

Proper exercise of police power. *Usdin v. D.E.P.*, 173 N.J.Super. 311, 414 A.2d 280 (Law Div.1980), Affirmed, 179 N.J.Super. 113, 430 A.2d 949 (App.Div.1981).

## 7:13-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Acts" means the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq.

"Alteration" means any manmade changes to lands located within the jurisdiction of this chapter.

"Anadromous fish" means fish which travel from salt water to fresh water or up waterways to spawn.

"Applicant" means a person who submits an application for a permit or other decision from the Department under this chapter.

"Application" means the completed Land Use Regulation Program (LURP) permit application form, as defined at N.J.A.C. 7:7-1.3, along with the appropriate fee, plans supporting calculations and reports as required by this chapter.

"Bank" means the inclined sides of the channel.

"Bed" means the floor of the channel.

"Cascades" means sections of beds consisting primarily of bedrock, with little rubble, gravel, or other such material present. The current is usually more swift than in riffles.

"Category One waters" means those waters designated in the tables in N.J.A.C. 7:9B-4.15(c) through (h) for the purposes of implementing the Antidegradation Policies in N.J.A.C. 7:9B-4. These waters may include, but are not limited to:

1. Waters originating wholly within Federal, interstate, State, county, or municipal parks, forests, fish and wildlife lands, and other special holdings that have not been designated as FW1 in N.J.A.C. 7:9B-4;

2. Waters classified as FW2 Trout Production waters and their tributaries;

3. Surface waters classified as FW2 Trout Maintenance or FW2 nontrout that are upstream of waters classified as FW2 Trout Production;

4. Shellfish waters of exceptional resource value; or,

5. Other waters and their tributaries that flow through, or border, Federal, State, county or municipal parks, forests, fish and wildlife lands, and other special holdings.

"Central Passaic Basin" means the flood plain along:

1. Central Passaic River: Extending from Little Falls at Beatties Dam upstream to Route 202 in Bernards and Harding Townships;

2. Pompton River: Entire river;

3. Ramapo River: Extending from its confluence with the Pompton River upstream to Pompton Lakes Dam;

4. Pequannock and Wanaque Rivers: Extending from their confluence with the Pompton River upstream to Paterson-Hamburg Turnpike;

5. Dead River: Extending from its confluence with the Passaic River upstream to Liberty Corner Road in Bernards Township;

6. Harrison Brook: Extending from its confluence with the Dead River upstream to Lake Road in Bernards Township;

7. Rockaway River: Extending from its confluence with the Passaic River upstream to the Jersey City Reservoir (Boonton Reservoir);

8. Whippany River: Extending from its confluence with the Passaic River upstream to Route 10;

9. Black Brook: entire reach; and

10. Beaver Dam Brook: Including East and West Ditches from Pompton River to Jacksonville Road in Lincoln Park.

"Channel" means the well-defined bed and banks of a watercourse which confine and conduct flowing water continuously or intermittently.

"Channelization" means any artificial reconstruction of the bed and/or banks such as by straightening, lining, deepening or piping.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Dam" means any artificial dike, levy or other barrier together with appurtenant works, which is constructed for the primary purpose of impounding water on a permanent or temporary basis, that raises the water level five feet or more above its usual mean low water height when measured from the downstream toe-of-dam to the emergency spillway crest

or in the absence of an emergency spillway, to the top of dam. Low dams raise the water level less than five feet.

"Delegated agency" means a county agency to which the Department has delegated its power to approve or disapprove certain classes of applications under this chapter or enforce certain provisions of this chapter.

"Department" means the New Jersey Department of Environmental Protection.

"Detention basin" means an impoundment area created by constructing an embankment, excavating a pit or both for the purpose of temporarily storing storm water.

"Development" means any construction activity or other manmade land disturbance.

"Encroachment Line" means a line, described by metes and bounds, which defines the boundary between the floodway and flood fringe area in a non-delineated flood plain and customarily marks the limit of fill to be placed in a delineated flood plain.

"Erosion" means detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Excavation" means removal or recovery, by any means whatsoever, of minerals, mineral substances or organic substance, other than vegetation, from the water, land surface or beneath the land surface, whether exposed or submerged.

"Fill" means any material placed or deposited within the flood plain or the watercourses that create them which will displace floodwaters.

"Fish habitat enhancement device" means a device consisting of deflectors, low-flow channel structures, mud sills, boulders, felled shoreline trees, tire structures, brush, rubble reefs, or spawning nursery structures as developed and approved by the Department.

"Flats" means sections of channel with current too slow to be classified as riffle and too shallow to be classified as a pool. The bottom usually consists of sand or finer materials.

"Flood carrying capacity" means the ability of a watercourse or flood plain to transport flood waters, as determined by its shape, cross-sectional area, bed slope, coefficient of hydraulic friction, and upstream and downstream channel configurations, as used in accepted engineering practices.

"Flood damage potential" means the susceptibility to damage by potential floods at that site, as well as a given site's potential to increase off-site flooding.

"Flood fringe" means that portion of the flood plain outside of the floodway or encroachment lines.

"Flood hazard area design flood" means the flood used in State Adopted Flood Studies. It is the flood resulting from the 100-year flood discharge increased by 25 percent.

"Flood hazard design elevation" means the elevation of the flood hazard area design flood.

"Flood plain" means the area inundated by the regulatory flood including the watercourse that creates it.

"Flood proofing" means any combination of structural and nonstructural design features, additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, structures and their contents.

"Floodway" means the channel and portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the regulatory flood. For the purpose of this chapter the term floodway shall refer to both the delineated floodway on State Adopted Studies and the area between the encroachment lines located on both sides of a non-delineated watercourse.

"Fluvial flood" means a flood which is caused entirely by runoff from rainfall in the upstream drainage area and is not influenced by the tide or tidal surge.

"Freshwater wetland" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however, that the Department, in designating a wetland, shall use the three-parameter approach (that is, hydrology, soils and vegetation) enumerated in The Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), and any subsequent amendments thereto.

"FW" means the general surface water classification applied to fresh waters in the Department's Surface Water Quality Standards, N.J.A.C. 7:9B.

"FW1" means the waters designated as FW1 in the Department's Surface Water Quality Standards, N.J.A.C. 7:9B.

"FW2" means the general surface water classification applied in the Department's Surface Water Quality Standards, N.J.A.C. 7:9B, to those fresh waters that are not designated as FW1 or Pinelands waters.

"Grace period" means the period of time afforded under the Grace Period Law, N.J.S.A. 13:1D-125 et seq., for a person to correct a minor violation in order to avoid imposition of a penalty that would otherwise be applicable for such violation.

"Hazardous materials" means those materials as defined by or pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:19-23.11 et seq., or pollutants as defined by the

New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

"Low water" means the water level characteristic of a channel during low flow conditions.

"Major project" means that class of project defined as major in the 90-Day Construction Permit Rules (N.J.A.C. 7:1C).

"Manual" means the latest version of the Technical Manual for this chapter published by the Department.

"Minor project" means that class of project defined as minor in 90-Day Construction Permit Rules (N.J.A.C. 7:1C).

"Mitigation" means activities carried out in order to compensate for loss or disturbance of the environment caused by regulated activities and may include restoration, creation, enhancement or donation of land of appropriate environmental characteristics.

"Net fill" means the volume of fill which will displace flood waters left after the total volume of cuts, which will provide additional flood storage, made on the project site has been subtracted from the total volume of fill which will displace flood waters placed on the project site.

"90-Day Construction Permit Rules" means the rules appearing in N.J.A.C. 7:1C.

"Non-regulated use" means any use not subject to the provisions of this chapter.

"Non-trout waters" means the non-trout waters identified in the Department's Surface Water Quality Standards (N.J.A.C. 7:9B).

"Obstruction" means, but is not limited to, any structure, fill or other material placed in the flood plain which may impede, retard, or change the direction of the flow of water either by itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream and constitute a hazard to life or property.

"One hundred-year flood" means a flood that is estimated to have a one percent chance, or one chance in a hundred, of being equaled or exceeded in any one year.

"Perennial watercourse" means any watercourse mapped as perennial on either the 7 1/2 inch topographic maps published by the U.S. Geological Survey or the detailed map sheets in County Soil Surveys published by the U.S. Department of Agriculture, Soil Conservation Service, unless site specific information to the contrary is presented to and accepted by the Department.

"Permit" means a permit issued by the Department to engage in activities regulated under this chapter.

"Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, the Federal government, the State, and all political subdivisions of the State or any agencies or instrumentality thereof.

"Pools" means sections of channel which are deeper and have appreciably slower current than areas immediately upstream or downstream. The bed is usually a mixture of silt and coarse sand; the water depth usually exceeds two feet.

"Prohibited use" means a use which fails to comply with the requirements of this chapter and which shall not be allowed except in the case of exceptional and undue hardship as defined in N.J.A.C. 7:13-2.2.

"Public hearing" means a public meeting convened to allow the public to comment on the project proposed in the application.

"Regulatory flood" means the 100-year flood along non-delineated watercourses or the flood hazard area design flood along delineated watercourses.

"Riffles" means sections of a channel containing gravel or rubble in which surface water is at least slightly turbulent and current is swift enough that the surface of the gravel and rubble is kept fairly free from sand and silt.

"Retention basin" means an impoundment area with a permanent pool made by constructing an embankment, or excavating a pit, or both for the purpose of temporarily storing storm water.

"Soil Conservation District" means a political subdivision of the State of New Jersey authorized under N.J.S.A. 4:24-1 et seq.

"Solid waste" means garbage, sludge, refuse, trash, rubbish, debris or other discarded materials.

"State Soil Conservation Committee" means the agency created pursuant to N.J.S.A. 4:24-1 et seq.

"Stream encroachment" means any manmade alteration, construction, development or other activity within the areas within the jurisdiction of this chapter.

"Stream Encroachment Permit" means a permit issued by the Department, or delegated agency under the provisions of the Acts.

"Structure" means any assembly of materials above or below the surface of land or water including, but not limited to, buildings, fences, dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads, bridges and the facilities of any utility or governmental agency. Trees and vegetation are not structures.

"Threatened or endangered species" means those species of animals listed pursuant to "The Endangered and Nongame

Species Conservation Act," N.J.S.A. 23:2A-1 et seq., identified in N.J.A.C. 7:25-4.13, and 7:25-4.17, and those species of plants identified in the Endangered Plant Species List, N.J.A.C. 7:5C-5.1.

"Tidal flood" means a flood caused by the tide backing up a channel.

"Trout-associated watercourses" means watercourses that are:

1. Trout production waters;
2. Trout maintenance waters;
3. Non-trout waters upstream from trout production waters (with or without intervening trout maintenance waters);
4. Non-trout waters less than one mile upstream from trout maintenance waters that are not upstream from trout production waters; or
5. Tributaries flowing into trout production or trout maintenance waters which will take the classification of the waters they flow into.

"Trout maintenance waters" means the trout maintenance waters identified in the Department's Surface Water Quality Standards (N.J.A.C. 7:9B).

"Trout production waters" means the trout production waters identified in the Department's Surface Water Quality Standards (N.J.A.C. 7:9B).

"Trout stocked waters" means waters that are stocked with trout by the Department's Division of Fish, Game and Wildlife, as listed in N.J.A.C. 7:25-6 and amendments thereto as adopted by the New Jersey Fish and Game Council.

"Upstream/downstream" refers to direction with respect to a fixed point in a waterway.

"Watercourse" means a path which conveys surface water runoff. Flow paths with a total contributory drainage area less than 50 acres must have definable bed and banks to be considered a watercourse.

Amended by R.1995 d.356, effective July 3, 1995.

See: 27 N.J.R. 998(a), 27 N.J.R. 2599(a).

Rewrote the definition of "Application".

Amended by R.2007 d.220, effective July 16, 2007.

See: 38 N.J.R. 2555(a), 38 N.J.R. 3112(a), 39 N.J.R. 2631(b).

Added definition "Grace period".

#### Case Notes

Statute does not require the DEP to promulgate rules and regulations providing standards and procedures for delineating flood hazards. *American Cyanamid Co. v. State, Dept. of Environmental Protection*, 231 N.J.Super. 292, 555 A.2d 684 (A.D.1989), certification denied 117 N.J. 89, 563 A.2d 847.

It was permissible for the Department of Environmental Protection, in delineating flood hazard area along streams, to use the United States Geological Survey 500-year design flood line. *American Cyanamid Co.*

v. State, Dept. of Environmental Protection, 231 N.J.Super. 292, 555 A.2d 684 (A.D.1989), certification denied 117 N.J. 89, 563 A.2d 847.

Determination of Department of Environmental Protection was reasonable, as it provided an appropriate safety buffer for unanticipated development. American Cyanamid Co. v. State, Dept. of Environmental Protection, 231 N.J.Super. 292, 555 A.2d 684 (A.D.1989), certification denied 117 N.J. 89, 563 A.2d 847.

### 7:13-1.3 Applicability

(a) All development within the larger of the following areas shall require a permit under this chapter unless specifically exempted as provided in this chapter:

1. The flood plain, as defined at N.J.A.C. 7:13-1.2;
2. Twenty-five feet back from the top of the channel bank; or
3. Fifty feet back from the top of the channel bank along waters
  - i. Containing deposits of acid-producing soils as defined in N.J.A.C. 7:13-5.10;
  - ii. Classified as Category One, FW-1 trout-associated, or, FW-2 trout-associated;
  - iii. Which are a critical part of the habitat supporting a threatened or endangered species of plant or a current population of any species of threatened or endangered animal on a permanent or temporary basis, for any purpose such as resting, breeding or feeding, during any portion of its life-cycle; or
  - iv. Located within documented, historic habitat for threatened or endangered species of animals, which habitat remains suitable for breeding, resting or feeding by those species of animal during any portion of its life-cycle.

(b) New Jersey's geography and location along the Atlantic coastline subjects the State to both tidal and fluvial flooding. The effects of development on flood elevations vary depending on the type of flooding and the area in which it occurs. For the purpose of this chapter, three areas of concern have been identified based on the type of flooding and the impact of development in that particular area. These areas are as follows:

1. Tidal: Tidal flooding is the result of higher than normal tides which in turn inundate low lying coastal areas. The 100-year tidal flood elevation will not be affected by development. Therefore, certain areas in which the regulatory flood is the 100-year tidal flood will not be regulated under this chapter. The elevation of the 100-year tidal

flood, which varies along the coast, can be obtained from the Department.

i. Tidal water bodies not regulated under this chapter shall include, but not be limited to, the Atlantic Ocean and all water bodies named on the U.S. Geological Survey 7½ inch topographic maps as "bays," "canals," "coves," "guts," "harbors," "inlets," "sounds," "thorofares," and "channels," except for: the portion of the Delaware River near Camden called "Back Channel," all man-made lagoons and canals and all sections of the "Intracoastal Waterway."

ii. The lower reach of a watercourse that flows into a tidal water body will be subject to the same flooding characteristics as the tidal water body. Subparagraph (b)1ii(1) through (16) below identifies reaches along specific watercourses that will be considered tidal for the purposes of this chapter and, therefore, not regulated under this chapter. Along those watercourses not specifically identified in (b)1ii(1) through (16) below that flow into tidal waterbodies listed in (b)1 above, the reach between the mouth of the watercourse and the closer of either the first bridge or culvert upstream or the point upstream where the regulatory flood exceeds the 100-year tidal elevation will be considered a tidal water body for the purposes of this chapter and, therefore, not regulated under this chapter.

- (1) Arthur Kill (Middlesex Co./Union Co.): entire reach;
- (2) Comptons Creek (Monmouth Co.) Raritan Bay to Campbell Avenue;
- (3) Deal Lake (Monmouth Co.) Atlantic Ocean to Wickapecko Drive;
- (4) Hackensack River (Hudson Co.) Newark Bay to the Pulaski Skyway;
- (5) Hudson River (Bergen Co./Hudson Co.);
- (6) Manasquan River (Monmouth Co./Ocean Co.): Atlantic Ocean to Route 70;
- (7) Metedeconk River (Ocean Co.): Barnegat Bay to Route 70;
- (8) Navesink River (Monmouth Co.): Shrewsbury River to Coopers Bridge;
- (9) Passaic River (Essex Co./Hudson Co.) Newark Bay to the Pulaski Skyway;
- (10) Raritan River (Middlesex Co.): Raritan Bay to The New Jersey Turnpike;



(11) Shark River (Monmouth Co.): Atlantic Ocean to confluence with Laurel Gully Brook;

(12) Shrewsbury River (Monmouth Co.): Sandy Hook Bay to Seven Bridge Bay;

(13) Waretown Creek (Ocean Co.) Atlantic Ocean to Route 9;

(14) Whale Brook (Middlesex Co./Monmouth Co.): Raritan Bay to Route 35;

(15) Wreck Pond (Monmouth Co.) Atlantic Ocean to Route 71; and

(16) All tidal watercourses flowing into Raritan Bay, north of Route 36 in Monmouth County.

2. Tidally influenced: Tidally influenced areas are subject to both tidal flooding and flooding caused by the tidal wave traveling up a watercourse. Since the Department is concerned with environmental impacts in the flood plain and obstructions to flow in the floodway produced by development in these areas the engineering standards for the flood fringe will not apply in these areas.

3. Fluvial: Fluvial flooding is the result of storm water runoff which exceeds the capacity of the watercourse to carry the flow without endangering life or property. In this area, development may affect upstream and/or downstream flood elevations by increasing or decreasing obstructions to flow. Therefore, in this area, all of the requirements of this chapter shall apply.

(c) This chapter shall not apply to development along the Delaware and Raritan Canal except insofar as such activities affect watercourses that flow into, over, under, or parallel to the canal.

(d) This chapter shall not apply to lands that are regulated pursuant to "The Wetlands Act of 1970," N.J.S.A. 13:9A-1 et seq. or to lands located within tidally influenced flood plains that are regulated pursuant to the Waterfront and Harbor Facilities Act, N.J.S.A. 12:5-1 et seq. or the Coastal Area Facilities Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.

(e) Non-regulated uses in the floodway are as follows:

1. For purposes of this section, non-regulated uses are uses which are not prohibited in N.J.A.C. 7:13-2.2, and which:

i. Do not further obstruct flood flow, or in any way reduce the cross-sectional area of the floodway open to the flow of water during the regulatory flood, unless the obstruction will be insignificant, such as the those activities listed in (e)2 below;

ii. Do not require the erection of structures, except as specifically noted in (e)2 below;

iii. Do not require channel modification or relocation;

iv. Do not alter the cross-sectional area of a water-control structure such as a bridge, culvert or dam that is open to flood waters during the regulatory flood;

v. Do not increase off-site flood damage potential by raising flood elevations off of the property on which the use is proposed by more than two-tenths of a foot or 2.4 inches;

vi. Do not adversely affect those areas described in (a) above;

vii. Do not cause or contribute to a violation of any applicable State water quality standard or otherwise adversely affect water quality; and

viii. Are undertaken with the land owner's express written permission.

2. Non-regulated uses which satisfy the conditions of (e)1i and ii above may include, but are not limited to:

i. Lawns, gardens and areas specifically designed and intended for use by children;

ii. Areas specifically marked and designated for private and public recreation such as: playing fields with backstops and/or open bleachers, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, hunting and fishing areas, boat launching ramps constructed at or below grade, shooting preserves, bicycle paths, hiking and horseback riding trails, as well as in ground swimming pools and associated fences for public safety provided that the pool is constructed at or below existing grade and that the fence is open to allow flood waters to pass through it, is no higher than the minimum height required by the BOCA construction code for a fence around a pool, and is placed so as to minimize the obstruction to flow to the maximum extent possible;

iii. Hand removal of debris along a reach of the watercourse, or the removal of individual major obstructions in the channel, such as a fallen tree or other large or heavy object, such as abandoned vehicles, furniture or other trash that cannot be removed by hand. No equipment shall be allowed in the channel unless specifically approved in writing by the Department;

iv. Open decks attached to residential structures, properly anchored in accordance with the Uniform Construction Code and all applicable local building codes;

v. Minor repair, maintenance or replacement-in-kind of existing roads, bridges, culverts, gauging structures (including weirs) or retaining walls which will not change the cross-sectional area open to flow during the regulatory flood or increase the footprint of the structure;

vi. Agriculture uses such as general cultivation, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, wild crop harvesting and on-going farming operations;

(1) Specific soil conservation practices such as terracing, construction of diversions, subsurface tile drainage and the construction of grassed waterways and dug ponds will be considered non-regulated uses only when approved in writing by the appropriate County Soil Conservation District Office and the local U.S.D.A. Soil Conservation Service;

vii. Docks and boathouses along bodies of water labeled as a lake, reservoir or pond on the USGS Quadrangle Maps that are built on pilings and remain open underneath to allow water to pass freely. For boathouses the floor must be above the regulatory flood elevation;

viii. Utility poles or towers which cannot be located outside of the floodway. Poles and towers must be properly anchored to withstand the structural loads and stresses (both hydrostatic and hydrodynamic) from flooding equal to the regulatory flood elevation;

ix. Utilities "jacked" under watercourses that do not disturb the channel;

x. Placement of fish habitat enhancement devices in lakes, ponds, reservoirs and impoundments performed by or approved by the Division of Fish, Game and Wildlife, Bureau of Freshwater Fisheries, in the Department; and

xi. Placement of in-stream fish habitat enhancement devices acceptable to the Land Use Regulation Program in the Department as performed by or approved by the Division of Fish, Game and Wildlife Bureau of Freshwater Fisheries, in the Department.

3. Irrigation head gates along watercourse banks are non-regulated uses when approved in writing by a County Agriculture Agent pursuant to N.J.A.C. 7:20A-1.

(f) Non-regulated uses in the flood fringe are as follows:

1. For the purpose of this section, non-regulated uses are land uses within flood fringe areas which:

i. Do not further reduce the volume of flood storage available, unless the reduction will be insignificant and offset by the benefits to the public health, safety and welfare such as those activities listed in (f)2 below;

ii. Do not require any hydrologic or hydraulic calculations to determine the impact;

iii. Do not adversely affect those areas described in (a) above;

iv. Do not cause or contribute to a violation of any applicable State water quality standard or otherwise adversely affect water quality; and

v. Are undertaken with the land owner's express written permission.

2. Non-regulated uses which satisfy the conditions of (f)1 above may include the following and other uses similar in character and environmental impact:

i. Residential and commercial: Improvements such as lawns, play areas specifically designed for use by children, gardens or landscaping; fences; anchored dog houses; auxiliary utility buildings up to 100 square feet; pole barns which shall remain permanently open on all sides, driveways at grade, barbecue pits, open decks attached to residential structures and one or more additions to an owner occupied single-family residential structure up to a total of 300 square feet;

ii. Private and public recreation: Areas specifically marked and designated as: playing fields or courts including backstops and/or open bleachers, bicycle paths, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, hunting and fishing areas, boat launching ramps constructed at grade, shooting preserves, hiking and horseback riding trails, driving ranges, archery ranges, target ranges, trap and skeet ranges, fish hatcheries; anchored auxiliary utility buildings up to 100 square feet as well as fences and in-ground and above-ground pools provided that they do not displace more than 100 cubic yards of flood plain storage;

iii. Agriculture: General cultivation, pasture, grazing, fences, irrigation, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, wild crop harvesting, on-going farming operations, and registered farming operations, excluding greenhouses and all other structures related to any of the foregoing uses.

(1) Specific soil conservation practices such as terracing, construction of water diversions, subsurface drainage and the construction of grassed waterways and dug ponds will be considered non-regulated uses only when approved in writing by the appropriate County Soil Conservation District Office;

(2) Plastic covered greenhouses and other auxiliary utility buildings constructed without permanent foundations and anchored, pursuant to the Uniform Construction Code and all applicable local building codes, and fences associated with agricultural uses.

iv. Utility poles and towers; and

v. Roadway repairs and maintenance that will not raise the existing road grade.

(g) Persons may submit a request for a written jurisdictional determination pursuant to this section. A request for a jurisdictional determination shall contain a complete description of the work proposed and an engineering site plan showing the described work as well as existing and proposed topography. If the Department determines that it has jurisdiction over the proposed work, a permit pursuant to this chapter shall be obtained before any work commences.



ii. In areas without downslope sediment controls, slopes exceeding 15 percent gradient shall be protected within 48 hours of soil exposure by special treatment, such as water diversion berms, sodding or Department-approved mulch netting, in accordance with the "Standards for Soil Erosion and Sediment Control"; and

6. Sediment-laden water ("pumpage") from the dewatering of trenches or other excavations shall not be pumped directly into waterways or wetlands without treatment except as expressly approved by the Department.

i. Pumpage shall be piped to sediment basins or sediment barriers that meet the "Standards for Soil Erosion and Sediment Control." Mechanical filtration or sedimentation devices shall be used to minimize the discharge of sediment into waterways.

ii. Pump intakes shall be placed near the water surface to minimize the sediment content of pumpage.

iii. Upon good cause shown by the applicant why the foregoing requirements cannot feasibly be met, the Department may permit pumpage to be spread onto land located as far from the watercourse bank as possible, provided that the applicant avoids damage to trees not approved for removal by the Department.

(d) When a Soil Conservation District or exempt public entity certifies that a sediment and soil erosion plan meets both the "Standards for Soil Erosion and Sediment Control in New Jersey" and the additional requirements contained in this section, the Department or designated agent shall accept this certification as proof that the plan satisfies the requirements of this section.

#### Case Notes

Property completely in floodway for which regulations prohibited uses otherwise permitted by zoning ordinances had only nominal value; portion of property located in flood fringe area not subject to restrictions was valuable (citing former N.J.A.C. 7:13-1.4). *Filcrest Realty, Inc. v. Twp. of Edison*, 2 N.J.Tax 77 (Tax.Ct.1980).

Recent sale of property located in zone impacted by flood hazard regulations was most persuasive of its value; value determined (citing former N.J.A.C. 7:13-1.4). *Halocarbon Products Corp. v. Boro. of South River*, 1 N.J.Tax 294 (Tax Ct.1980) affirmed and remanded 181 N.J.Super. 1, 436 A.2d 532 (App.Div.1981).

#### 7:13-3.4 Mitigation

(a) As a condition to the issuance of all permits under this chapter, permittees are required to take all measures necessary to minimize adverse environmental impacts to the receiving watercourse and areas under the jurisdiction of this chapter arising from the construction and use of the proposed project, and to restore temporarily disturbed vegetation, habitats, and land and water features to their pre-construction condition, and to prevent sedimentation and erosion to the greatest extent possible. The applicant shall submit a plan for the review and approval of the Department by which the applicant shall restore any area temporarily disturbed by the construction of the proposed project

with vegetation of equal or higher quality than that which existed on the site before construction, whether said disturbance was approved by the Department pursuant to a permit under this chapter, or not.

(b) Mitigation described in (a) above shall be performed to or concurrently with the activities that will permanently disturb immediately after activities that will temporarily disturb the environment.

(c) The Department shall not consider a mitigation proposal in determining whether an applicant should be awarded a permit, but it shall require mitigation as a condition of any permit it awards under this chapter.

#### 7:13-3.5 Projects along trout associated watercourses

(a) The removal of trees and shrubs within 50 feet of the top of bank of a trout-associated watercourses is prohibited unless the applicant demonstrates that there is absolutely no other alternative to the removal of the vegetation in order to accomplish an essential part of the project. If the Department allows the removal of trees and shrubs, the applicant shall remove such vegetation from the most northerly or easterly bank of the watercourse affected by the project, rather than the southerly or westerly bank, unless expressly approved by the Department in writing.

(b) Construction equipment shall not be placed or operated in a trout-associated watercourse unless the Department issues a written determination that certain specific uses are absolutely necessary to accomplish an essential aspect of the project. Fording watercourses with construction equipment is permitted only where the watercourse bottom is firm, the approaches are stable, and such activity does not create bank erosion not already described by the applicant and incorporated into the applicant's erosion and sediment control plan already approved by the Department.

1. The Department may require the applicant to construct temporary bridges or culverts if equipment crossings of watercourses are necessary in areas which fail to meet the requirements of the preceding section.

2. All crossings of watercourses shall be made at right angles to the watercourse and the applicant shall take all measures necessary to ensure that no petroleum products or sediment is washed into the watercourse as a result of the crossing.

3. Any watercourse bank that is disturbed shall be stabilized within 48 hours in accordance with the requirements of this chapter in order to minimize the potential for erosion.

(c) Construction equipment shall not be washed in trout-associated watercourses or where wash water would drain as surface runoff into such watercourses.

(d) Unless modified with the express written approval of the Department, any development proposed in areas under

the jurisdiction of this chapter which, in the opinion of the Department, could introduce sediment into the watercourse or which could cause an increase in the natural level of turbidity in the watercourse shall comply with the following requirements:

1. All regulated activities located within 50 feet of the top of bank along trout associated watercourses which would introduce sediment into the watercourse or otherwise increase the turbidity in the watercourse are prohibited during the following periods critical to spawning along such waters as identified in the Department report, "Classification of New Jersey Waters as Related to Their Suitability for Trout":

i. Brook Trout/Brown Trout Production Watercourses: September 15 through March 15 inclusive;

ii. Rainbow Trout Production Watercourses: February 1 through April 30, inclusive;

iii. Projects authorized pursuant to this chapter which are located along trout production watercourses shall suspend all construction activity during the period of September 15 through March 15, inclusive;

iv. Projects authorized pursuant to this chapter which are located along trout-stocked watercourses, or one mile or less upstream from trout-stocked and trout maintenance watercourses shall suspend all construction activity during the period of March 15 through June 15, inclusive.

2. Upon application by the permittee, the Department may specifically modify the requirements above for the following reasons:

i. Cases in which the Department determines that the likelihood of particular types of damage to trout-associated watercourses from the particular activity proposed by the permittee during the period of low flow in the June 1 through June 15 period would be less than the likelihood of particular types of damage arising from such activities in these watercourses at higher flows during other periods of the year;

ii. In cases where the combined effect of compliance with this subsection, N.J.A.C. 7:13-3.6(a) and 3.6(b) would restrict construction to less than 183 days of a calendar year, the applicant shall describe for review and approval by the Department those specific steps to be implemented to minimize the impact of construction activity upon the affected watercourse and upon approval of such a plan the Department shall allow construction activity to continue for no more than 183 days of each year on the days specified in the applicant's plan; and

iii. In cases which the Department determines that construction must be undertaken during non-school periods in order to avoid unacceptable risk or excessive delay to school buses or vans.

(e) The mining of bottom material from a trout-associated watercourse is prohibited. This does not prohibit the incidental use or sale of watercourse bottom material removed during the course of Department-approved channelization, watercourse cleaning or other regulated activities authorized by the Department and performed for purposes other than mining.

(f) Where logs or boulders create pools or riffles that provide fish habitat, removal of such logs or boulders is prohibited unless the Department determines that their removal is necessary to accomplish an essential aspect of the project.

(g) Channelization of trout-associated watercourses is prohibited unless the Department determines that:

1. There is a compelling public need for the proposed project greater than the need to preserve the natural condition of the channels of such watercourses and that need cannot be met by essentially similar projects in the region which are under construction or expansion or which have already received the necessary governmental permits and approvals and the project cannot be accomplished in a less-destructive manner; and

2. The project meets the requirements of (h) and (i) below.

(h) Any application for channelization of a trout-associated watercourse shall include a map of the existing watercourse channel that identifies the location, dimensions and area of cascades, riffles, flats and pools, except as follows:

1. Channel modification directly and inextricably linked to the construction or maintenance of bridges or culverts, including transition zones up to 100 feet upstream or downstream from such bridges or culverts;

2. Minor bank re-establishment or bank protection projects limited to 100 feet of channel length; or

3. Other projects which require 100 feet or less of channel modification including, but not limited to sewer headwalls, sewer outlet works, sewer outlet diffusers, minor water intake facilities and channel crossings of utilities.

(i) A new or modified channel of a watercourse shall be designed and constructed in such a manner as to duplicate or preserve the pre-construction character of the channel including proportion of shading, pools, flats, riffles and cascades and, particularly in the case of trout associated watercourses, areas for fish cover and shelter.

(j) Channel modifications at bridges and culverts (including the upstream and downstream transition zones), channelization projects, watercourse cleaning projects, and other channel modifications (excluding dams) shall comply with the following fish passage requirement;

1. Any new or modified channel of a watercourse shall be designed and constructed so that, during low-flow conditions, the water depth is at least as deep as in the pre-construction channel unless the Department allows an exception to this requirement pursuant to (j)2 below.

2. No exception to (j)1 above shall be allowed by any delegated agency. The Department will allow an exception to (j)1 above if:

- i. The pre-construction channel does not allow for the upstream passage of fish during low-flow conditions;
- ii. Conditions upstream or downstream of the channel modification are unfavorable to fish passage; or
- iii. The Department determines that other circumstances, such as public need for the project or exceptional and undue hardship for the applicant, warrant such an exception.

#### 7:13-3.6 Projects affecting other fish resources

(a) Construction activities that would introduce sediment into the watercourse or otherwise increase the turbidity in the watercourse within 50 feet of the banks of watercourses which support anadromous fish are prohibited during the following periods:

- 1. For projects on waters identified as anadromous migratory pathways (watercourses): April 1 to June 30, inclusive; and
- 2. For projects on waters used by American Shad for migrations on the Delaware River System:
  - i. Mouth of bay to Delaware Memorial Bridge and tidal Maurice River: March 1 through June 30 and October 1 through November 30;
  - ii. Delaware Memorial Bridge to New York State line and the tidal portions of Rancocas and Raccoon Creeks: April 1 through June 30 and September 1 through November 30;
  - iii. Timing restrictions for formerly-native or introduced fish species, such as, but not limited to, the Atlantic Salmon, Chinook Salmon, or Coho Salmon which may or will in the future be reintroduced to State waters, will be developed as those species become established.

(b) Construction activities which would introduce sediment into the watercourse or otherwise increase the turbidity in the watercourse, within 25 feet of the banks of waterbodies identified as supporting warm-water fish including but not limited to smallmouth bass, largemouth bass, pickerel, walleye and yellow perch shall be prohibited during the following periods:

- 1. Waterbodies supporting general game fish: May 1 to June 30 inclusive;

2. Waterbodies supporting pickerel: Ice Out to April 30 inclusive; and

3. Waterbodies supporting walleye: March 1 to May 30 inclusive.

(c) Channel modifications at bridges and culverts (including their upstream and downstream transition zones), channelization projects, watercourse cleaning projects, and other channel modifications (excluding dams) shall comply with the following fish passage requirements:

- 1. Any new or modified channel of a watercourse shall be designed and constructed so that, during low-flow conditions, the water depth is at least as deep as in the pre-construction channel unless the Department allows an exception to this requirement pursuant to (c)2 below.
- 2. No exception to (c)1 above shall be allowed by any delegated agency. The Department will allow an exception to (c)1 above if:

- i. The pre-construction channel does not allow for the upstream passage of fish during low-flow conditions;
- ii. Conditions upstream or downstream of the channel modification are unfavorable to fish passage; or
- iii. The Department determines that other circumstances such as public need for the project or exceptional and undue hardship for the applicant warrant such an exception.

(d) Channelization of watercourses supporting the fisheries resources described in this section is prohibited unless the Department determines that:

- 1. There is a compelling public need for the proposed project greater than the need to preserve the natural condition of the channels of such watercourses and that need cannot be met by essentially similar projects in the region which are under construction or expansion or which have already received the necessary governmental permits and approvals and the project cannot be accomplished in a less-destructive manner; and
- 2. The requirements of (e) and (f) below are met.

(e) Any application for channelization of a watercourse which supports the fisheries resources described in this section shall include a map of the existing watercourse channel that identifies the location, dimensions and area of cascades, riffles, flats and pools, except as follows:

- 1. Channel modification directly and inextricably linked to the construction or maintenance of bridges or culverts, including transition zones up to 100 feet upstream or downstream from such bridges or culverts;
- 2. Minor bank re-establishment or bank protection projects limited to 100 feet of channel length; or

3. Other projects which require 100 feet or less of channel modification including, but not limited to sewer headwalls, sewer outlet works, sewer outlet diffusers, minor water intake facilities and channel crossings of utilities.

(f) The new or modified channel of a watercourse shall be designed and constructed in such a manner as to duplicate or preserve the pre-construction character of the channel including proportion of shading, pools, flats, riffles and cascades and areas for fish cover and shelter.

Administrative correction.  
27 N.J.R. 2389(a).

### 7:13-3.7 Projects exposing deposits of acid-producing soils

(a) The requirements of this section apply only to deposits of acid-producing soils that are sometimes found in the following Coastal Plain geologic formations:

1. Raritan Formation;
2. Magothy Formation;
3. Merchantville Formation;
4. Woodbury Clay;
5. Englishtown Sand;
6. Marshalltown Formation;
7. Navesink Formation;
8. Red Bank Sand; and
9. Kirkwood Formation.

(b) The map showing the general location of these deposits can be found in the Technical Manual.

(c) The requirements of the section are applicable to projects under the jurisdiction of this chapter which shall affect deposits of acid-producing soil, whether or not encroachments are classified as "major" or "minor" in the 90-Day Construction Permit Rules (N.J.A.C. 7:1C).

(d) Where it is known in advance that deposits of acid-producing soils would be exposed by the proposed regulated activity, the application for a permit under this chapter shall include a written site evaluation prepared by a professional which identifies the extent of exposure, the applicant's plan to mitigate the impacts of such exposure, and the result of the special laboratory analysis of the soils, if required by (g) below.

(e) If, after the Department determines an application under this chapter complete for review, the Department or the applicant determines that deposits of acid-producing soils would be or have been exposed by the regulated activity, the Department may, time permitting, permit the applicant to amend the application by submitting a site evaluation and mitigation plan as described above within a time stipulated in writing by the Department, or deny the application on its merits. Amended applications may be submitted in accordance with N.J.A.C. 7:13-4.7(g).

(f) If construction activity (pursuant to a permit issued under this chapter or otherwise) reveals deposits of acid-producing soils not described to the Department in an application for a permit to conduct regulated activities at the location containing such soils, the Department shall order the permittee, or other person as the case may be, to desist from further exposure of acid-producing deposits and to apply Department-specified mitigation measures to deposits already exposed, pending the Department's review and approval of a site mitigation and evaluation plan, and an application for a permit under this chapter, as the case may be.

(g) Special laboratory analysis requirements are as follows:

1. If the Department determines that deposits of acid-producing soils have been or will likely be exposed as a result of regulated activities proposed by an applicant, or as a result of activities undertaken by a permittee or undertaken illegally by a person who has not yet applied for a permit under this chapter, and the Department determines that it requires more information about characteristics of such deposits to approve or disapprove an application to conduct such regulated activities, the Department may require the permittee, or applicant as the case may be, to include in its site evaluation and mitigation plan the following chemical analysis of samples of deposits taken from pre-construction borings along the relevant sections of the watercourse channel or flood plain as stipulated by the Department. The following tests shall be performed by a State-certified Laboratory, using methods specified in the Technical Manual:

- i. pH;
- ii. Cation exchange capacity;
- iii. Exchangeable cation content;
- iv. Potential acidity; and
- v. Extractable metals (Fe, Al, Mn, Cu, Zn, Ni, Cr, Cd, Pb) and sulfate.

2. The Department may also require laboratory analysis of physical characteristics of the soil. These chemical and physical tests shall be performed by a State-certified laboratory employed by the permittee or the applicant, as the case may be, in accordance with procedures specified by the Department in the Technical Manual. In the event an order has been issued stopping activities regulated pursuant to this chapter, no such activity may commence until the Department reviews the test results required under this section and approves an application under this section including the site evaluation and mitigation plan.

(h) When acid-producing deposits are to be or have been exposed, mitigation measures shall be taken by the person engaging in the regulated activity, including:

1. Minimizing the area and time of exposure of acid-producing soils;
2. Minimizing the spread or mixing of acid-producing soils onto or into soil free of such deposits and controlling the disposal of such deposits inside or outside the flood plain;
3. Covering deposits of acid-producing soils with limestone and non-acid-producing soil to permit the establishment of vegetation; and
4. Providing prompt, temporary and permanent stabilization of areas where acid-producing soils are exposed.

(i) When acid-producing soils are exposed within a watercourse channel or along watercourse banks within the jurisdiction of this chapter as the result of activities regulated under this chapter, the person engaging in such activities shall undertake mitigation measures in order to:

1. Minimize the area and time of exposure;
2. Neutralize acid generated in the brief period of exposure; and
3. Keep post-construction oxidation rates from exceeding pre-exposure oxidation rates.

#### 7:13-3.8 Freshwater wetlands

(a) Any disturbance of the vegetation or soil of more than one-quarter acre of freshwater wetlands located within the jurisdiction of this chapter contiguous to the watercourse constitutes a significant and adverse impact on the biota of the watercourse. A permit application which proposes such a disturbance shall not be approved by the Department unless the applicant demonstrates to the Department's satisfaction that:

1. The disturbance is absolutely necessary to construct the project or that the project cannot be redesigned to reduce or eliminate the disturbance and still meet the objective and purpose of the project; and
2. That effective measures shall be taken by the applicant to mitigate or replace wetlands to be disturbed or destroyed with wetlands of the same or higher quality.

(b) This section shall apply only to those areas located within the Hackensack Meadowlands Development Area.

#### 7:13-3.9 Threatened and endangered species

(a) In addition to the other requirements set forth in this chapter, the Department shall issue a permit for an activity regulated under this chapter only if the activity will not adversely affect populations of species of threatened or endangered plants or animals documented in the areas under the jurisdiction of this chapter which are critically dependent on the watercourse to survive, and will not adversely affect their habitats located within the jurisdiction of this chapter, which habitats are either currently occupied by species of threatened or endangered plants or animals, or

which are documented, historic habitat for threatened or endangered species of plants or animals and which remain suitable for breeding, resting, or feeding by those species of animal during any portion of their life-cycle. A survey for threatened and endangered species may be required if the proposed project will disturb an area documented to contain a threatened and endangered species, or nearby areas in which the habitat that can support these species is present. Persons seeking information pertaining to threatened and endangered species occurrences on or near a project site may contact the "Natural Heritage Program", CN 404, Trenton, N.J. 08625-0404 (fee required).

(b) Those persons undertaking threatened and endangered plant or animal surveys/assessments on behalf of an applicant for a permit under this chapter shall possess the education and experience in wildlife biology, zoology or botany necessary to perform the required surveys/assessments. The Department may request additional information and/or surveys/assessments if it finds the surveys/assessments inadequate or that the minimum data have not been supplied. Threatened and endangered species surveys/assessments shall include the following data:

1. The name and address of all persons participating in the survey, the date and time of the investigation including total number of hours spent by each individual specifically for species observation, and the number of observers present on the site at any one time, including their location on the site relative to one another;
2. The site conditions during the survey and observation, that is, precipitation, wind speed and direction, and temperature, artificial or natural noises, nearest human activity or development to site, aside from the observers listed in (b)1 above;
3. The method and specifics of species sightings, indicating whether the subject was sighted directly or identified by call, track, scat, remains or other indirect evidence of presence, the date and time of each such sighting or discovery of evidence, and the relative age and condition of any indirect evidence observed and its location on the property. If the species is observed directly, note the number of individuals, activity of each when observed, each individual's sex and age, location of each individual observed on or near the project site, as the case may be, and the distance between the animals and the observer at each sighting;
4. A description of the techniques and methodology(s) employed by the observer during the site investigation;
5. The acreage of the surveyed area and breakdown of acreage as per habitat/cover type shown on the USGS Quadrangle map and NWI maps with site boundaries delineated;
6. A description of each habitat and cover type on site including vegetation, hydrology, soils and natural communities. These habitats shall be assessed for suitability and



compatibility to the life history of the target species. If no target species are observed, a discussion of the site's suitability for the species shall be provided.

(c) If, while reviewing the merits of an application deemed complete for review without a threatened and endangered species survey/assessment, the Department determines that the project or its construction would significantly damage or destroy threatened and endangered plants or animals or their current or historic habitats the Department shall, time permitting, either request the applicant to submit a threatened and endangered species survey to the Department within the time stipulated by the Department in accordance with the criteria outlined in (b) above or deny the application on its merits. Amended applications may be submitted pursuant to N.J.A.C. 7:13-4.7(g).

#### **SUBCHAPTER 4. APPLICATION PROCEDURE FOR STREAM ENCROACHMENT PERMITS**

##### **7:13-4.1 Required information for all applications submitted to the Department**

(a) The Land Use Regulation Program (LURP) permit application form shall be completed by the applicant or the applicant's authorized agent including all signatures and seals. Notarization is not necessary.

(b) The Engineering Data Sheet shall be completed and all required information for the type of project shall be supplied along with a copy of the completion check list and, where applicable, a copy of any pre-application conference minutes.

(c) The fee as required by the 90-Day Construction Permit Rules (N.J.A.C. 7:1C) shall be included with all applications for permits.

(d) Certification of notification required by N.J.A.C. 7:13-4.2 shall be submitted.

(e) Six sets of plans prepared in accordance with the requirements of this chapter outlined on the Engineering Data Sheet shall be submitted.

(f) A Soil Erosion and Sediment Control Plan shall be submitted.

(g) Two sets of color photographs showing the work area shall be submitted.

(h) Except for applications by public entities which have asserted the right of eminent domain, the applicant shall provide evidence of easements or other property owner's permission for any work outside the applicant's property or which will physically affect properties not owned or controlled by the applicant.

(i) Any application made pursuant to this chapter affecting any land within the Pinelands Area as defined in N.J.S.A. 13:18A-11 is not complete for review until the applicant submits to the Department a Certificate of Filing, a Certificate of Compliance or a Resolution of Approval from the Pinelands Commission for the proposed development and proposed activities on that land.

(j) Three copies of an environmental report bound or in loose-leaf form, on 8½ by 11 inch paper shall be submitted to the Department. All maps, plans and aerial photographs shall contain a north arrow, graphic scale, date of preparation, name of author, and source of information. The report shall contain a detailed environmental inventory and assessment which describes and documents in narrative and map form (including Soil Conservation Service soil maps) possible short and long term effects of each proposed activity upon the site as well as upon adjacent areas upstream and downstream. To the extent required to meet the requirements of this chapter, the report shall include:

1. A description of the scope and nature of the proposed activity including reasons why the proposed structures and their location are the most appropriate for the site and why they minimize to the greatest extent possible any adverse affects upon the pre-construction character of the site located within the jurisdiction of this chapter. The report shall also describe and analyze alternatives to the proposed activity, including the no-build option;

2. Temporary and permanent physical changes to the site which would result from the proposed activity and the impact of these changes on the areas within the jurisdiction of this chapter and the adjacent properties, including details regarding:
  - i. The effect of the project on public health, safety, and welfare; water quality and quantity; flood storage; existing and potential water uses; parks and/or preserves; vegetation, wildlife, and fisheries, including threatened and endangered species;
  - ii. All measures to be taken during construction and thereafter to reduce detrimental on-site and off-site effects of both construction and use of the structure in question; and
  - iii. Adverse environmental impacts which cannot be avoided or mitigated;

3. Project location using the State plane coordinate system;

4. For encroachments along trout-associated watercourses, the environmental report shall identify:
  - i. The method for disposing of sediment-laden pumpage from dewatering operations;
  - ii. Channel segments along which trees or shrubs shall be removed; and

iii. Places where construction vehicles shall operate on the banks of trout-associated watercourses and the physical character of the watercourse bed at such places;

5. For all proposed detention and retention basins under the jurisdiction of this chapter, the applicant's environmental report shall address the effects of the basin on the watercourse habitat (that is, what plants and animals will be disturbed or displaced, the degree of destruction or disturbance and how these effects shall be mitigated or remedied by the applicant), and whether or not the basin will contribute to or constitute a breeding habitat for mosquitoes;

6. A site evaluation and mitigation plan for acid-producing soils, where applicable;

7. A threatened and endangered animal and plant survey or habitat suitability assessment; and

8. An Environmental Report, prepared using an interdisciplinary approach, containing the identity and qualifications of the persons who prepared each element of the report. References to data, reports or treatises not contained completely in the Environmental Report shall be cited throughout the text as appropriate, and in a consistent manner. Complete copies of all documents cited in the report shall be made available to Department personnel, at the applicant's expense, upon reasonable advance notice.

(k) If applicable, the application shall include the date on which the proposed application was pre-conferred with the Department pursuant to N.J.A.C. 7:13-4.3, and the name of the Department personnel who pre-conferred the application.

(l) Any application which does not contain the information required in this section shall be considered incomplete and ineligible for review, or alternatively, shall be denied.

Amended by R.1995 d.356, effective July 3, 1995.  
See: 27 N.J.R. 998(a), 27 N.J.R. 2599(a).

In (a) substituted "Land Use Regulation Program (LURP) permit application form" for "standard application form, CP-1".

#### 7:13-4.2 Notice

(a) The applicant shall provide notice to those persons described in (a)1 to 5 below, of the filing of an application for a permit under this chapter for projects considered a major project under the 90-Day Construction Permit Rules (N.J.A.C. 7:1C), for projects along trout associated watercourses, for projects exposing acid-producing soils, for projects requesting a hardship exemption and for an appeal of the Department's decision on an application deemed complete for review. The notice shall include a description of the nature and location of the proposed project, data on the application, (a copy of the completed Land Use Regulation Program (LURP) permit application form will be acceptable to fulfill these requirements) and a request that written

comments be sent to the Department at the address stipulated at N.J.A.C. 7:13-1.5. The notice shall be sent to the following agencies and individuals:

1. The municipal planning board, engineer, construction official, environmental commission and clerk's office of the municipality in which the project is located. Also the municipality across the watercourse and the municipality next downstream on both sides of the waterway, if within one mile of the project must be notified;

2. All property owners within 200 feet of the legal boundary of the property or properties on which the project shall be constructed;

3. The county planning board, county engineer, county environmental commission and county mosquito control commission;

4. The local county Soil Conservation District; and

5. Any other agencies or bodies as requested by the Department or the county.

(b) If the proposed project is a linear facility such as a pipeline or road of more than one-half mile within the jurisdiction of this chapter and requires notices pursuant to (a) above, instead of notifying all property owners within 200 feet of the property lines, the applicant may instead give public notice of the filing of the application in at least one newspaper of local circulation and one newspaper of regional circulation in the municipality in which the property on which the proposed project is located. In addition, notice shall be given to the owners of all real property within 200 feet of any above-surface structure related to the linear facility, such as pumping stations, treatment plants, power substations, grade separated interchanges or similar structures (not including utility support structures or conveyance lines) which are also located within the jurisdiction of this chapter.

Amended by R.1995 d.356, effective July 3, 1995.  
See: 27 N.J.R. 998(a), 27 N.J.R. 2599(a).

In (a) substituted "completed Land Use Regulation Program (LURP) permit application" for "CP-1".

#### 7:13-4.3 Pre-Application conference

(a) A pre-application conference is not required of the applicant but is highly recommended. Department staff will advise the applicant of the areas in which the project may or may not comply with the requirements of this chapter, but under no circumstances shall any discussion at such a meeting compel or estop the Department from approving or denying any application submitted to it for a permit under this chapter.

(b) Pre-application conference requests shall be made in writing by the applicant or its authorized agent and directed to the chief of the region in which the proposed project shall be located at the address stipulated in N.J.A.C. 7:13-1.5. The request shall include sufficient maps, plans, photo-

graphs, surveys or other related information to allow the Department to identify major areas of concern under the regulations which might apply to the project.

(c) All applications for permits submitted as a result of such conferences shall list the date of the conference(s) and parties present at each such conference.

(d) A pre-application conference may also be used to deliver an application to the Department to be checked for administrative completeness.

(e) If the proposed project will require other permits from the Department, it is strongly recommended that the applicant first contact the Office of Permit Information and Assistance before filing any single permit application in order to properly coordinate the entire permitting process.

#### 7:13-4.4 Over-the-counter permit processing

One day permit processing is available for certain minor applications to the extent provided for in the 90-Day Construction Permit Rules (N.J.A.C. 7:1C), Department workload permitting.

#### 7:13-4.5 Optional Soil Conservation District review

Certain farming practices which would otherwise constitute regulated activities may be reviewed by the local Soil Conservation District as authorized by the agreement between the Department and the State Soil Conservation Committee in September 1978, entitled "Stream Encroachment Permit Procedures for Soil Conservation District Projects" and any subsequent amendments thereto. A recommendation of approval from the Soil Conservation District under the authority conferred upon the District in this agreement and the engineering plans relied upon by the District in making its recommendation shall be forwarded to the Department.

#### 7:13-4.6 Emergency permit

(a) The Department may issue an emergency permit for a regulated activity only if:

1. Severe environmental degradation will occur or an undue and immediate risk of loss of life or substantial loss of property is more probable than not if the permit is not granted; and
2. There is a high probability that the anticipated threat or loss will occur before the Department can review an application and issue a permit under procedures otherwise required by the Acts, this chapter and other applicable State laws.

(b) The emergency permit shall incorporate the regulatory standards and criteria for non-emergency uses to the greatest extent permissible under the circumstances unique to the site.

(c) Persons applying for an emergency permit shall:

1. Inform the Department by telephone (and if possible facsimile letter) of the nature and extent of work to be performed, the nature and reason for the emergency, the period of time the applicant knew of the circumstances which underlie the emergency, the precise location of the proposed work, the identity of the property owner and whether said owner has given his or her permission for the work to be done;

2. Expeditiously perform the emergency work permitted authorized by the program Administrator or his or her acting designate and advise all planning boards, authorities and nearby property owners, as described in N.J.A.C. 7:13-4.2(a), of the work as soon as possible. The applicant shall also immediately advise the Administrator if the work authorized shall not be done and the reasons why. A verbal permit shall be verified by the Department in writing. Under no circumstances shall the Department or its personnel be liable for any damage to property or loss of life incurred by the applicant or any other nearby property owner as a result of the emergency work authorized under this section; and

3. Upon completion of the work in accordance with the Department's instructions, the applicant shall file a complete application with appropriate fees and "as-built" drawings for Department review to determine if modifications which may include mitigation or stabilization measures are required under this chapter. Upon completion of the review, a formal permit will be issued.

#### 7:13-4.7 Permit application review procedures

(a) Within a maximum of 20 State working days following the date of receipt of an application for a permit under this chapter (other than an emergency permit), the Department shall:

1. Accept the application for filing, assign an agency project number to it, classify the application complete for review and proceed to review it on the merits;
2. Accept the application for filing, assign an agency project number to it, but classify the application as incomplete and request in writing that the applicant submit within a specific period of time specific information to assist the Department in its review of the substantive merits of the application. In such cases, the application will not be considered complete for substantive review until all the information requested by the Department has been received; or
3. Return the application without filing, explaining why it is unacceptable for review, and return the filing fee (if any) if the applicant advises the Department that it does not intend to reapply.

(b) Following the assignment of the agency project number, a report of the "20-day" status of the application pursuant to (a) above will be published in the DEPE Bulletin.

(c) If, while reviewing the merits of an application deemed complete for review, the Department determines that further information is required from the applicant to assess the accuracy of statements in the application or to otherwise determine whether the proposed regulated activity complies with these rules, the Department may, time permitting, permit the applicant to amend the application by submitting this additional information within a specified time, or, deny the application on its merits. Amended applications for permits may be submitted pursuant to (g) below.

(d) The Department shall approve, condition, or disapprove an application within 90 days following the date of receipt of a complete application as described at (a) above. If the Department fails to take action on an application within the specified 90-day period, the application shall be deemed to have been approved, to the extent that the application does not violate other statutes or regulations then in effect and subject to any standard conditions that apply to the type of development involved.

(e) The Department will grant a one-time 30-day extension of time to the 90-day review period if agreed to by both the applicant and the Department, provided that the applicant or the Department requests, from the other, such an extension either by telephone or in writing prior to the expiration of the 90-day review period. Telephone applications for an extension made by an applicant must be made to the Region head in charge of such applications at the Department or his or her designated agent.

(f) Permits under the jurisdiction of this chapter are valid for five years. If no construction has begun at the end of the five years, application for a new permit is required if the applicant still wishes to undertake the project. The project shall comply with the requirements in effect at the time the newest application for a permit is deemed complete for review. If construction has begun but has not been completed at the end of five years, construction shall cease until the Department has reviewed the applicant's application for a new stream encroachment permit. In that application, the project shall be revised to the greatest extent possible to meet the regulatory requirements in effect at that time.

(g) In the event of a Department denial of an application under this chapter or an applicant's withdrawal of such a permit application, the applicant may, only once, submit an amended application for reconsideration or an amended application containing a request for a hardship waiver under N.J.A.C. 7:13-4.8, one or the other, within one year of the date of the Department denial and have the previously submitted fee credited to the new application. Additional applications for reconsideration, additional amended applications or requests for hardship waivers shall require the regulatory processing fee in order to be accepted for filing by the Department.

Amended by R.1996 d.422, effective September 3, 1996.

See: 27 N.J.R. 3268(a), 28 N.J.R. 4097(a).

In (d) amended provision for automatic approval when the Department fails to take action on an application.

#### Case Notes

Department of Environmental Protection 20% net fill requirement in delineated flood hazard areas was reasonable. *American Cyanamid Co. v. State, Dept. of Environmental Protection*, 231 N.J.Super. 292, 555 A.2d 684 (A.D.1989), certification denied 117 N.J. 89, 563 A.2d 847.

N.J.A.C. 7:13-4.7(d)(1) upheld against constitutional challenge of being a taking of property without due process, a denial of equal protection and a taking of property without just compensation. *Society for Environmental Economic Development v. Dept. of Environmental Protection*, 208 N.J.Super. 1, 504 A.2d 1180 (App.Div.1985).

#### 7:13-4.8 Hardship waivers

(a) A waiver from strict compliance with the requirements of this chapter may be granted by the Department for any of the following reasons:

1. Cases in which the Department determines that there is no feasible and prudent alternative to the proposed project, including the no-action alternative, which would avoid or substantially reduce any anticipated adverse effects and where the waiver is consistent with the reasonable requirements of the public health, safety and welfare;

2. Cases in which the Department determines that the costs of strict compliance are unreasonably high in relationship to the benefits achieved by strict compliance; or

3. Cases in which the Department and applicant agree to alternative requirements that, in the judgment of the Department, provides better protection to the public health, safety and welfare.

(b) A public hearing concerning the waiver application shall be required upon request by the Department or at least five members of the public.

(c) Except as otherwise provided in this chapter, a delegated agency may grant waivers in accordance with this subsection. Where granted, such waivers are subject to the appeal procedures in N.J.A.C. 7:13-4.10.

(d) In order for the Department to grant a hardship waiver, the applicant shall demonstrate the following:

1. That by reason of the extraordinary or exceptional situation or condition of the property, the strict enforcement of this chapter would result in exceptional and undue hardship upon the applicant in question;

2. That the waiver will not substantially impair the appropriate use or development of adjacent property and will not pose a threat to the environment or public health, safety and general welfare; and

3. That the exceptional or undue hardship claimed as grounds for the waiver has not been created by the applicant or persons under his or her control.

(e) The applicant shall submit with an application for a hardship waiver as much of the following information as is relevant to the project:

1. A plan for flood proofing the structure to be constructed, the implementation of which shall be a condition of the waiver;
2. Proof that appropriate steps shall be taken to anchor structures as mandated by the Uniform Construction Code and local building and construction codes in order to prevent flotation, collapse, or lateral movement;
3. An analysis of the consistency between the proposed project and the goals, objectives and limitations of the comprehensive land use plan and flood plain program applicable to the area;
4. Proposed routes to and from the property during floods;
5. The projected height, velocity and duration of the flood waters expected at the site during the regulatory flood;
6. The type of soil(s) at the proposed site;
7. A statement concerning the current and post-construction land use and value assuming the waiver is granted, including a present-worth cost benefit analysis, and the same analysis assuming denial of the hardship waiver;
8. A description of the existing development in the area and the impact of the proposed work on the development;
9. Evidence that the project will not distort or reduce the affected watercourse's flood carrying capacity so as to cause significant flooding problems both upstream and downstream from the proposed project;
10. An analysis of the extent to which the sediment regime and water quality of the watercourse will be affected by the proposed waiver; and
11. A description of the potential effects of the project upon the environment, assuming the waiver is granted.

(f) The applicant shall also submit proof of public notice for consideration for a hardship waiver as required by N.J.A.C. 7:13-4.2.

(g) The applicant shall submit the request for a waiver along with the appropriate documentation to the Department.

1. The Department shall notify the applicant of the results of its review within 90 days of the receipt of an application deemed complete for substantive review by the Department.

2. Before making a decision on a request for a waiver of strict compliance, the Department may request the applicant to provide additional information and/or documentation as provided in N.J.A.C. 7:13-4.7(a).

(h) The denial of a waiver shall be without prejudice. However any additional application for relief under this section shall be accompanied by a new fee in order to be accepted for filing by the Department.

(i) A hardship waiver granted pursuant to this section does not relieve the applicant from obtaining any other approvals, certifications or permits required by Federal, State or local law.

#### Case Notes

Township planning board had power to grant hardship variance from township's flood plain ordinance in order to allow use that would otherwise have been permitted within residential district. *Turner v. Spyco, Inc.*, 226 N.J.Super. 532, 545 A.2d 192 (A.D.1988).

Hardship waiver required showing that property was unique and different from other property in zoning district and that uniqueness placed exceptional hardship upon owner of property if zoning restrictions were applied. *Turner v. Spyco, Inc.*, 226 N.J.Super. 532, 545 A.2d 192 (A.D.1988).

Property owners were not entitled to hardship waiver in order to construct residence on lot in floodway. *Hadam v. Division of Coastal Resources*, 93 N.J.A.R.2d (EPE) 20.

#### 7:13-4.9 Permit modification procedures

(a) There shall be no modifications to Department-approved plans or any permit condition without the express written permission of the Department. Six sets of plans accompanied by a letter requesting the modification and a fee as specified in the 90-Day Construction Permit Rules (N.J.A.C. 7:1C) are required to apply for modification of a permit condition or any approved plan. Except for additional watercourses added to watercourse cleaning permits pursuant to 7:13-2.5(b), only items already approved on the original permit may be modified.

(b) Modifications to Department-approved projects that will affect the hydraulic capacity of the watercourse shall not be considered or approved by the Department under this section. Such modifications must be contained in a new application for a new Permit and must comply with the regulations in effect on the date that the new permit application is deemed complete for review.

#### 7:13-4.10 Appeal procedure to the Department

(a) Subject to the limitation on third-party hearing rights specified in (e) below, any person who considers himself or herself aggrieved by the approval or denial of an application for a permit may, within 10 days of publication of notice of the decision in the DEPE Bulletin, or within 10 days of publication of notice of the decision by the permittee pursuant to (b) below, whichever occurs first, direct a written request for a hearing to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, CN 402, Trenton, New Jersey 08625-0402.



1. The written request for a hearing on appeal shall include the appropriate agency project number and, where the appeal is taken by someone other than the applicant, evidence that a copy of the written request for hearing on appeal has been mailed to the applicant/permittee.

2. Within 14 days of the date on which the initial request for a hearing was postmarked, the person appealing the decision shall submit an additional statement describing, in detail, how that person is aggrieved by the decision, and which findings of fact and conclusions of law are being challenged.

(b) A permittee may publish notice of the Department's final decision in a newspaper of Statewide circulation and a newspaper of regional circulation which includes the municipality in which the project site is located. The permittee shall provide a copy of the Department's decision to any person who requested such notice by certified mail. The Department shall maintain a list of such newspapers and a list of all persons who have requested notice of the decision.

(c) Pending appeal of the Department decision and the Commissioner's final decision on the appeal, a person may apply to the Commissioner for a stay of the issuance of a permit by written request and for good cause shown therein. The Commissioner may stay the issuance of the permit upon such terms and conditions as the Commissioner may deem proper in his or her sole discretion. The request for stay of issuance of the permit shall be made within 21 days of the issuance of the Department approval of the permit application.

(d) Where a request for a hearing concerning a Department decision on a permit application has been granted by the Department, the request shall be referred to the Office of Administrative Law for a fact-finding hearing if required pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), after which, the Commissioner shall issue a final decision adopting, rejecting or modifying the findings of fact and conclusions of law of the administrative law judge, within the time frame specified in N.J.S.A. 52:14B-10.

(e) Nothing in this section shall be construed to provide a right to an adjudicatory hearing in contravention of N.J.S.A. 52:14-3.1 through 3.3 (P.L.1993, c.359).

#### **7:13-4.11 Permit application review by delegated agencies**

When authority to approve certain types of regulated activities is delegated in writing by the Department to another agency under provisions of this chapter and the Acts, that agency shall apply the standards and criteria of this chapter to all matters arising under the jurisdiction of this chapter which have been delegated to that agency.

## **SUBCHAPTER 5. IMPLEMENTATION**

### **7:13-5.1 Consistency with other requirements in permit review**

(a) A permit under this chapter is expressly conditioned upon the permittee complying with all other applicable Federal, State and local statutes, rules and regulations, orders, standards, plans, and ordinances which may apply to the work necessary to accomplish the proposed project, and obtaining all other permits, licenses or approvals required for the work which is a part of the proposed project. The issuance of a permit pursuant to this chapter shall not obligate the Department to grant or deny an application by the permittee for any other license, permit or approval issued by the Department.

(b) In cases where the Department has not delegated authority under N.J.A.C. 7:13-5.3, no local agency or employee thereof shall grant any application for development as defined in the "Municipal Land Use Law" (N.J.S.A. 40:55D-1 et seq.) for an activity regulated under this chapter until an application for a permit under this chapter has been approved by the Department. The Department will consider this provision satisfied if the local approval is conditioned upon obtaining a permit under this chapter.

#### **Case Notes**

Regulations upheld against challenge that criteria for Projects of Special Concern besides flood control were without statutory authority; Department authorized to consider overlapping flood hazards, water pollution and plant and animal preservation in criteria formulation. *Society for Environmental Economic Development v. Dept. of Environmental Protection*, 208 N.J.Super. 1, 504 A.2d 1180 (App.Div.1985).

### **7:13-5.2 Creation of a county water resources association**

The governing body of any county may, by ordinance or resolution, as the law may provide, create a county water resources association to discuss and coordinate county flood control and water management programs, to advise the county governing body on these issues and to undertake any other such duties concerning water management as the county governing body may legally delegate to it by ordinance or resolution. Members of this Association shall be appointed by the county governing body and may include the chief administrative officer or executive of any county planning agency, county engineer's office, county utility authority, county health department, county mosquito commission, county soil conservation district, county parks agency and any other person with relevant experience or training.

#### **Case Notes**

Regulations upheld against challenge that criteria for Projects of Special Concern besides flood control were without statutory authority; Department authorized to consider overlapping flood hazards, water pollution and plant and animal preservation in criteria formulation. *Society for Environmental Economic Development v. Dept. of Environmental Protection*, 208 N.J.Super. 1, 504 A.2d 1180 (App.Div.1985).

**7:13-5.3 Delegation of power to counties**

(a) Except as otherwise expressly provided in this chapter, the Department may delegate its authority to review and decide any application made to it pursuant to this chapter as well as its power to enforce any aspect of its legal obligations arising under the Acts to a county governing body which shall expressly agree to accept such designation, and follow the rules stated herein, and which, in the Department's judgment, retains those employees with professional training and education capable of properly administering the provisions of this chapter.

1. A county wishing to apply for authority to issue permits pursuant to the provisions of this chapter or to undertake enforcement of any of the provisions of this chapter shall submit a written request to the Department and specifically describe those aspects of the permitting and enforcement authority of the Department under this chapter which it wishes to assume. The county shall also submit evidence of a formal approval by the county governing body agreeing to apply for delegation of the authority or obligations described in the application and agreeing to adopt, in the event the request is granted, an ordinance or resolution containing all provisions of this chapter relevant to the duties and obligations to be assumed by the county. The request shall also describe in detail the personnel, physical resources and source and amount of funding by which the county shall fulfill the obligations the county wishes to assume.

2. A county to which permitting authority or enforcement obligations have been delegated pursuant to this subsection shall preserve, for the Department review, all documents, plans, maps, memoranda and notes as necessary which document that it has discharged its delegated duties in accordance with the applicable provisions of this chapter.

3. The Department shall review the county records pertaining to all duties delegated to the county under this subsection at least once every 365 days after the date of the formal delegation of duties to the county, and may at any time revoke such delegation if, in the judgment of the Department, the county has failed to properly administer powers delegated to it, which may include a failure to maintain the records stipulated in (a)2 above.

4. The county governing body to which permitting functions under this chapter have been delegated shall not charge fees in excess of those promulgated by the Commissioner pursuant to N.J.S.A. 13:1D-33.

(b) The Department shall not delegate the powers to review or decide any application for a permit pursuant to this chapter filed by a State agency.

**7:13-5.4 Penalties**

Any person who violates a provision of this chapter shall be subject to penalty and injunctive relief, as applicable, pur-

suant to N.J.S.A. 58:16A-63 and 58:10-1 et seq., and in accordance with the grace period requirements set forth at N.J.A.C. 7:13-5.5.

Amended by R.2007 d.220, effective July 16, 2007.

See: 38 N.J.R. 2555(a), 38 N.J.R. 3112(a), 39 N.J.R. 2631(b).

Inserted ", and in accordance with the grace period requirements set forth at N.J.A.C. 7:13-5.5".

**Case Notes**

Decision to grant stream encroachment permit for resource recovery facility was not arbitrary, capricious or unreasonable and was within legislative framework and criteria. Matter of Stream Encroachment Permit No. 12400, 231 N.J.Super. 443, 555 A.2d 1123 (A.D.1989).

Denial of stream crossing permit upheld when suitable alternative proposed and no hardship or compelling public interest supported award of permit. *Quartaro v. Department of Environmental Protection*, 96 N.J.A.R.2d (EPE) 1.

**7:13-5.5 Grace period applicability; procedures**

(a) Each violation identified in Table A at (f) below by an "M" in the Type of Violation column, for which the conditions of (d)1 through 6 below are satisfied, is a minor violation and is subject to a 30-day grace period as described at (e) below.

(b) Each violation identified in Table A at (f) below by an "NM" in the Type of Violation column is a non-minor violation and is not subject to a grace period.

(c) If a violation is not listed in Table A at (f) below, the designation of the violation as minor or non-minor is determined as follows:

1. If the violation is not listed in Table A at (f) below but is comparable to a violation designated as "M" in Table A and the violation meets all of the criteria of (d)1 through 6 below, then the violation is minor. The minor violation shall be subject to a grace period of 30 days as described at (e) below.

2. If the violation is not listed in Table A at (f) below and is not comparable to a violation listed in Table A but the violation meets all of the criteria at (d)1 through 9 below, then the violation is minor. The minor violation shall be subject to a grace period of 30 days as described at (e) below.

3. If the violation is not listed in Table A at (f) below but is comparable to a violation designated as "NM" in Table A, then the violation is a non-minor violation and is not subject to a grace period.

4. If the violation is not listed in Table A at (f) below and is not comparable to a violation listed in Table A, and the violation does not meet all of the criteria at (d)1 through 9 below, the violation is non-minor and is not subject to the grace period.

5. Comparability of a violation to a violation in Table A at (f) below is based on the nature of the violation(s) (for

example recordkeeping, accuracy of information provided to the Department, amount and type of impacts to the protected resources). A violation shall not be considered comparable to any violation designated as "M" in Table A unless the violation also meets the criteria at (d)7 through 9 below.

(d) The Department shall provide a grace period of 30 days for any violation identified as minor under this section, provided the following conditions are met:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;

2. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department or a local government agency;

3. In the case of a violation that involves a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12-month period;

4. In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period;

5. In the case of a violation of the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. or any rule or regulation promulgated thereunder, or permit issued pursuant thereto, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for the same or a substantially similar violation at the same site or any other site within the preceding 12-month period;

6. In the case of any violation, the person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the person responsible;

7. The violation poses minimal risk to the public health, safety and natural resources;

8. The violation does not materially and substantially undermine or impair the goals of the regulatory program; and

9. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Department.

(e) For a violation determined to be minor under (a) or (c) above, the following provisions apply:

1. The Department shall issue a notice of violation to the person responsible for the minor violation that:

i. Identifies the condition or activity that constitutes the violation and the specific regulatory provision or other requirement violated; and

ii. Specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specified grace period of 30 days.

2. If the person responsible for the minor violation corrects that violation and demonstrates, in accordance with (e)3 below, that compliance has been achieved within the specified grace period, the Department shall not impose a penalty for the violation.

3. In response to a notice of violation, the person responsible for the minor violation shall submit to the Department, before the end of the specified grace period, written information, signed and certified to be true by the responsible person or his or her designee, detailing the corrective action taken or how compliance was achieved.

4. If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension of the specified grace period in writing no later than one week before the expiration of the specified grace period. The request shall include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance. The request shall be signed and certified to be true by the responsible party or their designee. The Department may, in its discretion, approve in writing an extension which shall not exceed 90 days, to accommodate the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the Department may consider the following:

i. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;

ii. Whether the delay has been caused by circumstances beyond the control of the violator;

iii. Whether the delay will pose a risk to the public health, safety and natural resources; and

iv. Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.

5. If the person responsible for the minor violation fails to demonstrate to the Department that the violation has been corrected and compliance achieved within the specified grace period, or within any approved extension, the Department may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date on which the notice of violation under (e)1 above was issued.

6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

(f) The designations of violations of the Flood Hazard Area Control Act and this chapter as minor (M) and non-

minor (NM) are set forth in Table A below. The violation descriptions are provided for informational purposes only. In the event that there is a conflict between a violation description in Table A and the rule to which the violation description corresponds, the rule shall govern.

Table A

<u>Rule Citation</u>	<u>Violation Description</u>	<u>Type of Violation</u>
N.J.S.A. 58:16A-55.2	Failure to comply with all conditions of a permit except as indicated directly below	NM
N.J.S.A. 58:16A-55.2	Failure to submit to the Department documentation as required by a permit	M
N.J.A.C. 7:13-1.3(a)	Failure to obtain a permit prior to conducting regulated activities	NM
N.J.A.C. 7:13-2.2(a) and (c)	Conducting prohibited activities in a floodway or flood fringe without Department approval	NM
N.J.A.C. 7:13-3.2(b)	Disposal of vegetative debris in the floodway	NM
N.J.A.C. 7:13-4.2	Failure to provide appropriate notice of an application for a permit for identified projects	NM
N.J.A.C. 7:13-4.6(c)(3)	Failure to file a complete application and "as built" drawings following completion of work under an emergency permit	NM

New Rule, R.2007 d.220, effective July 16, 2007.

See: 38 N.J.R. 2555(a), 38 N.J.R. 3112(a), 39 N.J.R. 2631(b).

#### SUBCHAPTER 6. (RESERVED)

#### SUBCHAPTER 7. DELINEATED FLOODWAYS

##### **Flood Plain Redelineations, 1994:**

Poplar Brook, Borough of Deal, Monmouth County.

Amended by R.1994 d.9, effective January 3, 1994.

See: 25 N.J.R. 4372(a), 26 N.J.R. 211(a).

Delaware River, Pohatcong Township, Warren County.

Amended by R.1994 d.10, effective January 3, 1994.

See: 25 N.J.R. 4370(a), 26 N.J.R. 212(a).

Overpeck Creek, City of Englewood, Bergen County.

Amended by R.1994 d.11, effective January 3, 1994.

See: 25 N.J.R. 4371(a), 26 N.J.R. 212(b).

##### **Flood Plain Redelineations, 1995:**

Pascack and Fieldstone Brooks, Montvale Borough, Bergen County.

Amended by R.1995 d.46, effective January 17, 1995.

See: 26 N.J.R. 2834(a), 27 N.J.R. 324(a).

Sparkill Brook.

Amended by R.1995 d.516, effective September 18, 1995.

See: 27 N.J.R. 1854(a), 27 N.J.R. 3600(b).

East Branch Rahway River.

Amended by R.1995 d.517, effective September 18, 1995.

See: 27 N.J.R. 1855(a), 27 N.J.R. 3601(a).

##### **Flood Plain Redelineations, 1998:**

Musquapsink Brook, Washington Township, Bergen County.

Amended by R.1998 d.131, effective March 2, 1998.

See: 29 N.J.R. 3407(a), 30 N.J.R. 827(a).

Peckman River, West Orange, Essex County.

Amended by R.1998 d.380, effective July 20, 1998.

See: 30 N.J.R. 761(a), 30 N.J.R. 2659(b).

##### **Flood Plain Redelineations, 1999:**

Passaic River, Hawthorne Borough, Passaic County.

Amended by R.1999 d.162, effective May 17, 1999.

See: 31 N.J.R. 93(b), 31 N.J.R. 1314(a).

**7:13-7.1 Delineated floodways**

(a) The streams listed in (b), (c), (d), (e), (f) and (g) below have been delineated following public hearings by the Water Policy and Supply Council, and information concerning these delineations is on file in the offices of the Division of Water Resources:

1. Type 1: A flood hazard area map has been prepared setting forth floodway limits and extent of flood

hazard area limits. Water surface profiles are included for both the floodway and flood hazard area design floods.

2. Type 2: There is no flood hazard area map available. Delineation must be determined on a case by case basis from the water surface profile which have been developed for both the floodway and flood hazard area design floods.



**Council  
adoption date  
8. 12-12-80**

**Stream**  
**Mullica River**

### Limits

The Mullica River from approximately 2700 feet downstream from the Green Bank-Weekstown Road upstream to Route 542 between Mullica Township, Atlantic County, and Washington Township, Burlington County; Landing Creek from approximately 3000 feet downstream from Philadelphia Avenue upstream to Hamburg Avenue; Union Creek from its mouth at the confluence with Landing Creek upstream to Bremen Avenue; and Union Creek Tributary from its mouth at the confluence with Union Creek upstream to City Lane Road, all within Egg Harbor City, Atlantic County; Cedar Brook from the Wharton State Forest Boundary upstream to Liberty Street in the Town of Hammonton, Atlantic County; Pump Branch from the Waterford-Blue Ancon Road upstream to the Anchoil Bridge, formerly the Pennsylvania-Reading Seashore Railroad, in the Township of Winslow, Camden County; and the West Branch Wading River from the Lake Chatsworth Dam upstream to a culvert at the Lebanon State Boundary in the Township of Woodland, Burlington County. The Tuckahoe River for State Route No. 49 near Head of River upstream to the Weymouth-Bucna Vista Township Boundary, an approximate distance of 9.9 miles within the Township of Estell Manor and Weymouth, Atlantic County; Township of Maurice River, Cumberland County; and Upper Township, Cape May County.

Type 1

Council adoption date	Stream	Limits	Type
1. 9-17-73	Long Swamp Creek	Mouth to 0.88 miles upstream of Bea Lea Road	2
2. 9-17-73	Ridgeway Branch	Mouth to Route 547	2
3. 9-17-73	Union Branch	Mouth to Lake Road	2
4. 9-17-73	Toms River	Mouth at Route 166 to Route 70	2
5. 10-27-78	Mullica River	Mullica River from State highway Route 542 upstream to the outlet at Atsion Lake, just above Route US 206 within the Town of Ham- monton and the Township of Mullica in Atlantic County and the Townships of Shamong and Washington, Burlington County. The flood hazard area of the Up- per Mullica River (Atsion Branch) from the Atsion Lake Dam at U.S. Route 206 upstream to the Jackson-Medford Road, an approximate distance of 8.8 miles, within the Townships of Medford and Shamong, Burlington County and the Township of Waterford, Camden County.	1
6. 10-27-78	Cedar Creek	Cedar Creek from Route US 9 upstream to the outlet of Bamber Lake, just above Lacey Road within the Townships of Berkeley and Lacey, Ocean County. The flood hazard area of the Chamberlain Branch of Cedar Creek from the Bamber Lake Dam upstream to Route 539, Webbs Mill Branch from its con- fluence with Chamberlain Branch to approximately 3000 feet up- stream from Route 539, and Fac- tory Branch of Cedar Creek from its mouth upstream to an im- proved road, all within the Town- ship of Lacey, Ocean County.	1
7. 12-12-80	Great Egg Harbor River	The Great Egg Harbor River from the Lake Lenape Dam in Hamilton Township, upstream to the Conrail Bridge, formerly the pennsylvania-Reading Seashore Railroad in Winslow Township and its floodway from State Route 54 to the upstream Folsom Bor- ough boundary and from the New Brooklyn Lake Dam upstream to the Conrail Bridge in Winslow Township; Hospitality Branch From its mouth at the confluence with the Great Egg Harbor River upstream to the head of Spruce Lake in Monroe Township and its floodway from State Route 54 to the upstream Folsom Borough boundary and from Sharp Road upstream to the head of Spruce Lake; Four Mile Branch from its mouth at the confluence with the Great Egg Harbor River up- stream 27,800 feet to a point 800 feet upstream from an unim- proved road in Monroe Township and its floodway within this reach; and Squankum Branch from its mouth at the confluence with the Great Egg Harbor River Up- stream to Walnut Street in Mon- roe Township all within the Bor- ough of Folsom and Township of Hamilton, Atlantic County.	1

9.

10.

## Manasquan River

The floodway and flood hazard area of the Manasquan River from Southard Road in Howell Township to approximately 2,200 feet upstream of Georgia Road in Freehold Township, including the following tributaries in Howell Township from their confluence with the Manasquan River: Bannen Meadow Brook upstream approximately 6,000 feet Long Brook upstream approximately 17,400 feet to Route 33, and Bill's Brook upstream approximately 2,300 feet to the Adelpia-Farmingdale Road; and in Freehold Township: Tributary A upstream 5,150 feet, Tributary B upstream 9,100 feet to Winchester Drive, Tributary C upstream 9,200 feet to upstream from Old Post Road, Debois Creek upstream to Center Street, and its following tributaries from their confluences with Debois Creek: unnamed Tributary Debois Creek upstream 2,760 feet to Three Brook Road, Burkes Creek upstream 3,600 feet, and Applegates Creek upstream to Willow Brook Road; a portion of the North Branch Metedeconk River from the downstream Howell Township Municipal boundary to the upstream municipal boundary of Howell and Jackson Townships in the Townships of Howell, Jackson and Lakewood, and its following tributaries from their confluence with the North Branch Metedeconk

Council  
adoption date Stream

## Limits

River in Howell Township: Gravelly Run upstream 2,650 feet; Hay Stack Brook upstream 27,870 feet to upstream from the Maxim-Southard Road; Ground Hog Brook from its confluence with Hay Stack Brook upstream 3,000 feet through Lake Louise to a point 300 feet downstream from Locust Avenue; and Polipod Brook from its confluence at Lake Louise upstream 800 feet; Yellow Brook from the downstream Freehold Township boundary upstream to Randolph Road; and an unnamed Tributary Yellow Brook from its confluence with Yellow Brook upstream to Paulette Road; and the following tributaries of Toms River, its Union and Ridgeway Branches; tributary of Ridgeway Branch from its confluence upstream to Wilbur Avenue; Manapaque Brook from its confluence with Union Branch upstream to Route 547; Hurricane Brook from its confluence with Union Branch at Lake Horicon upstream to the head of the lake; Davenport Branch from the downstream Manchester municipal boundary upstream to Lacey Road (Route 530), all in Manchester Township; Toms River Tributary from Burnt Tavern Road (Route 547) upstream approximately 7,800 feet in Jackson Township and Jake's Branch from Route 9 to upstream from the Double Trouble Road in Beachwood and South Toms River Boroughs; and amending the floodway and flood hazard area of the Toms River, Main Branch from the downstream to the upstream Manchester Township municipal boundaries in Dover and Manchester Townships, its Union Branch from its confluence with Toms River, upstream to Route 70, and its Ridgeway Branch from its confluence with Toms River upstream to Route 547, and the following from the downstream municipal boundary of Freehold Township: McGelliard's Brook upstream to Gordons Corner Road, South Branch Tepehemus Brook upstream to Robertsville Road, Weamaconk Creek upstream to Gordons Corner Road, and Wemrock Brook upstream to Route 33, all in Freehold Township.

The floodway and flood hazard areas of the Swimming River from Newman Springs Road upstream to Swimming River Road in the Borough of Tinton Falls, and its tributaries including: Yellow Brook from its confluence with Swimming River Reservoir upstream to its upstream corporate limit in Colts Neck, a tributary to Yellow Brook from its confluence with Yellow Brook upstream 3,600 feet in Colts Neck, Mine Brook from its confluence with Yellow Brook upstream to Mercer Road in Colts Neck, Marl Brook from its confluence with Mine Brook upstream 4,950 feet in Colts Neck, and Willow Brook from its confluence with the

## Type

Council  
adoption date Stream

## Limits

Swimming River Reservoir upstream through Colts Neck, Marlboro and Holmdel to Shank Road in Holmdel; Hop Brook from its confluence with Willow Brook upstream to Long Street Road in Holmdel; and Pine Brook from its confluence with Swimming River upstream to Water Street in Tinton Falls and Colts Neck; Hockhockson Brook from its confluence with Pine Brook upstream 4,500 feet to Hockhockson Road in Colts Neck; Big Brook from its confluence with Swimming River Reservoir upstream to a point 3,400 feet upstream of Route 34 in Colts Neck; and Barren Neck Creek from its confluence with Swimming River Reservoir upstream approximately 4,600 feet in Colts Neck; Parkers Creek from the downstream, corporate limit upstream through Eatontown, Shrewsbury and Tinton Falls to the Conrail Bridge in Tinton Falls, and its tributaries including: Wampum Brook from the western boundary of Fort Monmouth upstream 5,630 feet to Camp Charles Wood Area in Eatontown, and North Branch Parker Creek from its confluence with Parkers Creek upstream to Broad Street in Shrewsbury; and Jumping Brook from Jumping Brook Road upstream 6,150 feet in Tinton Falls; Whale Pond Brook from Norwood Avenue upstream to Hope Road affecting Eatontown, West Long Branch and Township of Ocean; and Waackaack Creek from its downstream corporate limit in Holmdel (approximately 1,300 feet downstream from Middle Road) upstream 3,750 feet to Palmer Avenue, and its tributary, Mahoras Brook from its confluence with Waackaack Creek upstream 5,500 feet in Holmdel.

## Type

(c) A list of delineated streams in Delaware Basin follows:

Council Adoption Date	Stream	Limits	Type
1. 6-18-73	Crosswicks Creek	Route 206 to Oakford Lake	2
2. 7-16-73	Big Timber Creek	Mouth to confluence with north and south branches of Big Timber Creek. The flood hazard area of the Big Timber Creek from Route 295 in Deptford Township, Gloucester County and Bellmawr Borough, Camden County upstream through Deptford and Bellmawr and the Borough of Runnemede and the Township of Gloucester, Camden County to its confluence with South Branch Big Timber Creek; South Branch Big Timber Creek from its confluence with Big Timber Creek to the downstream Washington Township Gloucester County-Gloucester Township, Camden County Corporate limit all within the Townships of Deptford and Washington, Gloucester County and the Township of Gloucester, Camden	2

11. Swimming River

Council  
Adoption Date Stream

## Limits

County and the South Branch Big Timber from the upstream Washington-Gloucester Corporate boundary to Redwood Street within Washington Township, Gloucester County and Gloucester Township, Camden County; Mantua Creek from its confluence with the Delaware River upstream to Bridgewater Pike (Route 45) within the Townships of West Deptford, East Greenwich and Mantua and the Borough of Paulsboro, Gloucester County, and Mantua Creek from Route 47 to Fish Pond Road within the Township of Washington and the Borough of Glassboro, Gloucester County; Edwards Run from its confluence with Mantua Creek to a point approximately 740 feet upstream of the New Jersey Turnpike within the Township of Greenwich, Gloucester County; Duffield Run from its confluence with Mantua Creek at Kressey Lake to a point approximately 1,370 feet upstream from the Kandle Lake Dam, within the Township of Washington, Gloucester County; Woodbury Creek from its confluence with the Delaware River upstream 17,200 feet or to approximately 800 feet downstream from Route 45 within the Township of West Deptford, the Borough of National Park, and the City of Woodbury, including the Hazard Area along Hessian Run from its confluence with Woodbury Creek upstream to Belmont Avenue within the Township of West Deptford and the Borough of National Park, Gloucester County.

3. 7-16-73 South Branch Big timber Creek
4. 7-16-73 North Branch Big Timber Creek
5. 7-16-73 Clementon Run
6. 7-16-73 Little Timber Creek
7. 8-20-73 Pennsauken Creek
8. 8-20-73 South Branch Pennsauken Creek

The floodway and flood hazard area of the South Branch of Pennsauken Creek from the Evesham Township corporate boundary to 1,500 feet upstream from the Marlton Pike; South Branch Rancocas Creek from its mouth upstream to Bug Hill Road, and Southwest Branch Rancocas Creek from its mouth upstream to Bon Air Drive; and by adding to it the floodway and flood hazard area of Masons Creek from its mouth upstream to the Mount Laurel-Eayrestown Road; Bobbys Run from its mouth upstream to the Mount Holly-Eayrestown Road; South Branch Tributary from its mouth upstream to the Mount Laurel-Eayrestown Road in Lumberton Township; Little

## Type

Council  
Adoption Date Stream

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9. 8-20-73 North Branch Pennsauken Creek

10. 8-20-73 Mantau Creek

11. 8-20-73 Chestnut Branch

12. 8-20-73 Edwards Run

13. 8-20-73 Plank Run

14. 5-20-74 Shabakunk Creek

15. 5-20-74 West Branch Shabakunk Creek

16. 5-20-74 Little Shabakunk Creek

17. 12-15-75 Delaware River

## Limits-

Creek from its mouth to 4,200 feet upstream from Route No. 70; Jade Run from its mouth upstream to the Southampton-Pemberton Township Boundary; Beaver Dam Creek from its mouth upstream to Route No. 206; Friendship Creek from its mouth upstream to Route No. 70; Skeet Run from its mouth upstream to Hawkin Road; Sharps Run from its mouth upstream to Hartford Road; Haynes Creek from its mouth upstream to the Medford-Evesham Townships Boundary; Ballinger Run from its mouth upstream to the head of Lake Stockwell; Ballinger Run Tributary from its mouth upstream to Birchwood Drive; Lake Mishe-Mokwa Run from its mouth upstream to Hiawatha Trail; Blue Lake Run from its mouth upstream to the Medford Township Boundary at the head of Blue Lake; Taunton Lake Tributary from its mouth upstream to Centennial Avenue; Mimosa Lake Run from its mouth upstream to Scout Drive; Barton Run from its mouth upstream to the Evesham Township Boundary at the head of Kenilworth Lake; Barton Run Tributary No. 1 from its mouth upstream to New Road; Barton Run Tributary No. 2 from its mouth upstream to Taunton Lake Road; Black Run from its mouth to a Private Drive 12,000 feet upstream; Black Run Tributary from its mouth upstream to Braddock Mill Road; Kettle Run from the Evesham Township corporate boundary upstream to the head of Marlton Lake; Cropwell Brook from its mouth upstream to North Cropwell Road; Bishams Mill Creek from Route No. 70 to Cooper Road; Shinn's Branch from its mouth to 2,900 feet upstream and Burr's Mill Brook from a new road under construction to 7,800 feet upstream.

Mouth to New Jersey Turnpike including Strawbridge Lake

Mouth to one-half mile upstream of the Glassboro-Crosskeys Road Mouth to Pennsylvania-Reading Seashore lines railroad in the Boro of Glassboro

Mouth to 2.6 miles upstream from Jackson Rd.

Mouth to 0.15 miles upstream from Route 322

Mouth to Bull Run Road

Mouth to Upper Ferry Road

Mouth to Rider College drive Upstream from the Reading Railroad

Calhoun Street Bridge to Tocks Island

The Delaware River from the downstream Burlington Township boundary upstream to its confluence with Crosswicks Creek within the Townships of Burlington, Florence, Mansfield and Borden-town and the Borough of Fieldsboro, including the back channel around Newbold Island, but excluding the reach within the City of Burlington, all in Burlington County; Doctors Creek within the Borough of Allentown and its tributary Indian Run from 1260

## Type

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Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
		fect downstream from Church Street to the upstream Allentown Borough boundary between Allentown Borough, Monmouth County and Washington Township, Mercer County; Blacks Creek from its confluence with the Delaware River upstream to Route No. 206 within Bordentown City and Township, within the County of Burlington; Crosswicks Creek from its confluence with the Delaware River upstream 4300 feet within the City of Bordentown, Burlington County and from Route No. 537 to the upstream Plumsted Township boundary, within Plumsted Township, Ocean County; Mill Creek from the downstream Burlington Township boundary upstream to Route 1-295 within Burlington Township and Westampton Township, Burlington County; Crafts Creek from its mouth upstream to Route No. 130 within Florence and Mansfield Township, Burlington County; Bustleton Creek from the downstream Florence Township boundary upstream to Route No. 130 in Florence Township, Burlington County; and Stonyford Brook from its confluence with Crosswicks Creek upstream to Moorehouse Road, within the Township of Plumsted, Ocean County.		1. 12-17-79	Rancocas Creek, North Branch Rancocas Creek, Rancocas Creek, Mill Creek, South Branch Mill Creek, Tributary to Mill Creek, Tributary of Mill Creek, Tributary to Assiscunk Creek, Mill Race and Mt. Holly By Pass Channel, Buttonwood Run, Budds Run, Mount Misery Creek, Mirror Lake, Little Pine Lake, Jefferson Lake, Cranberry Branch, Pole Bridge Branch, Tributary to Pole Bridge, Tributary to Country Lake and Baffin Brook.	The Rancocas Creek from Bridge Street (Centerton Bridge), upstream to the confluence with the North and South Branches of the Rancocas Creek and the North Branch Rancocas Creek from its mouth upstream to the Lakehurst Road (Pemberton-Browns Mills Road); and the delineation of the Rancocas Creek from its mouth, upstream to Bridge Street (Centerton Bridge); Mill Creek from its mouth at its confluence with the Rancocas Creek upstream to Interstate Route 1-295 within Willingboro, Westampton and Burlington Township; South Branch Mill Creek from its mouth upstream to John F. Kennedy Parkway in Willingboro Township; a Tributary to Mill Creek from its mouth upstream to Levitt Parkway in Willingboro Township; a Tributary of Mill Creek from its mouth upstream to Woodlane Road in Westampton Township; a Tributary to Assiscunk Creek from the Springfield-Westampton Township Boundary upstream for 2,780 feet to the junction of a tributary in Westampton Township; the Mill Race and Mt. Holly By Pass Channel in Mt. Holly Township; Buttonwood Run from its mouth at its confluence with the Mill Race upstream to Branch Street in Mt. Holly Township; Budds Run from its mouth at the confluence with the North Branch Rancocas Creek upstream through Pemberton Borough; Mount Misery Creek from its mouth at the confluence with the North Branch Rancocas Creek to upstream from the Greenwood Road Bridge, Mirror Lake and Little Pine Lake, upstream to Trainor Place, Jefferson Lake, Cranberry Branch from the Country Lake Dam Spillway upstream to Lakehurst Road; Pole Bridge Branch from the Country Lake Dam Spillway upstream to the Lipton Station-Whitesbogs Road, a Tributary to Pole Bridge Branch from its mouth upstream to Lakehurst Road, Tributary to Country Lake from its mouth at the confluence with Pole Bridge Branch upstream to the Lipton Station-Whitesbogs Road and Baffin Brook from its mouth at the confluence with Pole Bridge Branch upstream to the Lipton Station-Whitesbogs Road, all in Pemberton Township, within the County of Burlington.	1
18. 7-14-75	Rancocas Creek	Centerlyn Bridge to junction of North and South Branches	2	19. 7-14-75	North Branch of Rancocas Creek	Mouth of Pemberton Browns Mills Road	2
				20. 7-14-75	South Branch of Rancocas Creek	Mouth of Millpond Dam at Vincentown	2
				21. 7-14-75	Southwest Branch Rancocas Creek	Mouth to State Highway 70	2
				22. 11-19-79	Delaware River, Swan Creek, Swan Creek Tributary No. 1, Alexauken Creek, Brookville Creek, Wickcheoke Creek, Lockatcong Creek, Lockatcong Creek Tributary No. 1, Lockatcong Creek Tributary No. 2,	The Delaware River from the Hopewell Township-West Amwell Township Boundary line upstream to the Harmony Township-White Township Boundary lines; Swan Creek from the confluence with the Delaware River upstream through Lambertville City; Swan Creek Tributary No. 1 from the confluence with Swan Creek through Lambertville City; Alexauken Creek from the confluence with the Delaware River	1

Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
	Muddy Run, Little Nishisakawick Creek, Nishisakawick Creek, Harihokake Creek, Milford Creek, Quacquacommissacong Creek, Milford Creek Tributary No. 1, Musconetcong River, Pohatcong Creek, Pohatcong Creek Tributary No. 1, Lopatcong Creek, Buckhorn Creek, Buckhorn Creek Tributary No. 1.	near the Lamberrville City-Delaware Township Boundary upstream to Route 179 in West Amwell Township; Brookville Creek from the confluence with Delaware River at the Delaware Township-Stockton Borough Boundary upstream 3,752 feet to a location in Delaware Township; Wickcheoke Creek from the confluence with the Delaware River at the Stockton Borough-Delaware Township Boundary upstream to a location in Delaware Township at Rosemont-Ringoes Road; Lockatcong Creek within Kingwood Township from the Delaware Township-J Kingwood Township Boundary upstream to a location 140 feet upstream of the Oak Grove Road; the following three Lockatcong Creek Tributaries within Kingwood Township, Lockatcong Creek Tributary No. 1 from the mouth upstream to Kingwood Road; Muddy Run from the mouth upstream to Fitzer Road; Lockatcong Creek Tributary No. 2 from the mouth upstream to 140 feet north of Oak Grove Road; Little Nishisakawick Creek from the confluence with the Delaware River within Frenchtown Borough upstream to the Frenchtown Borough-Kingwood Township Boundary; Nishisakawick Creek from the confluence with the Delaware River upstream to the Frenchtown Borough easterly municipal boundary; Harihokake Creek within Alexandria Township from the confluence with the Delaware River in Milford Borough upstream to Spring Garden Road in Holland Township; Milford Creek from the confluence with the Delaware River upstream to Spring Garden Road in Holland Township and Quacquacommissacong Creek from the confluence with Milford Creek upstream to the Borough of Milford-Holland Township Boundary; Milford Creek Tributary No. 1 within Holland Township from the confluence with Milford Creek upstream to Spring Garden Road; Musconetcong River from the confluence with the Delaware River upstream to Conrail Bridge at the Pohatcong Township-Bloomsburg Boundary; Pohatcong Creek within Pohatcong Township from the confluence with the Delaware River upstream to municipal boundary upstream of the Conrail embankment; Pohatcong Creek Tributary No. 1 from the mouth upstream 1,686 feet in Pohatcong Township; Lopatcong Creek from the confluence with the Delaware River upstream through Phillipsburg Town and Lopatcong and Harmony Townships to a location 710 feet upstream of Hartman Drive; Buckhorn Creek within Harmony Township from the confluence with the Delaware River upstream to the Harmony-White				Township Boundary, and Buckhorn Creek Tributary No. 1 from the confluence with Buckhorn Creek upstream 3,205 feet within Harmony Township, within the Counties of Hunterdon and Warren. Approximately 2,100 feet downstream from Dam Site No. 20 upstream to the Old York Road. Bridegroom Run from its mouth to a point approximately 3,300 feet upstream from the Old Trenton Road. Hancock Creek from its mouth to a point approximately 3,900 feet upstream, New Sharon Branch from its mouth to a point approximately 5,200 feet upstream from the Egglington Road and the North Tributary of New Sharon Branch from its mouth to a point approximately 3,200 feet upstream from the Egglington Road. Mouth upstream to Whitehead Mill Pond Dam Mouth at the Junction with Assunpink Creek upstream to the site No. 8, flood control dam Mouth at the Junction with Pond Run upstream through the Whitehorse Mercerville Road within the City of Trenton, and the Townships of Hamilton and Lawrence in the County of Mercer. The flood hazard area of the Pond Run from its confluence with the Assunpink Creek to a point upstream from the Whitehorse-Hamilton Square Road and the North Branch of the Pond Run from its confluence with Pond Run upstream to the Whitehorse-Mercerville Road, all within the Township of Hamilton, Mercer County. The floodway and flood hazard area of the Pequest River from the boundary between the Town of Belvidere and the Township of White to the White Township-Liberty Township municipal boundary, the Pequest River from 100 feet downstream from Route # 46 in Independence Township upstream to its third crossing of Route # 206 in Andover Township through the Townships of Independence, Liberty, Allamuchy, Green and Andover, Beaver Brook from its confluence with the Pequest River upstream to Route # 80 through White and Hope Townships, Honey Run from its confluence with Beaver Brook upstream to the Swayze Mill Road (Route # 610) in Hope Township and Kymers Brook from its confluence with the Pequest River upstream through Green and Andover Townships to Route # 206 in Andover Borough, all in the Delaware River Basin. The floodway and flood hazard area of the Wreck Pond Brook from Old Mill Pond Road to 4,320 feet upstream of Martins Road in Wall Township, Monmouth County; Hannabrand Brook from its confluence with	
				23.	6-4-80	Assunpink Creek	
				24.	8-25-78	Assunpink Creek Plates A-1 and A-2	
				25.	6-9-80	Pond Run Plates P-1 to P-3	
				26.	6-9-80	North Branch of Run	
				27.		Pond Run	
				28.		Wreck Pond Brook, Hannabrand Brook, Shark River, Jumping Brook, Hog Swamp Brook, Popular	



Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type	
	Brook, Whale Pond Brook, Turtle Mill Brook, Little Silver Creek	Wreck Pond Brook upstream to the intersection of Route 34 and Allenwood Road in Wall Township, Monmouth County; Shark River from Route 18 upstream to Shafto Road in Wall, Neptune and Tinton Falls Townships, Monmouth County; Tributary E from its confluence with Shark River to 4,400 feet upstream of Wyckoff Road in Wall Township, Monmouth County; Jumping Brook from its confluence with Shark River upstream to Jumping Brook Road in Neptune Township, Monmouth County; Hog Swamp Brook from Monmouth Road to 1,400 feet upstream of Route 18 in Ocean Township, Monmouth County; Popular Brook from its confluence with the Atlantic Ocean to 300 feet downstream of Roller Road in the Borough of Deal and Ocean Townships, Monmouth County; Whale Pond Brook from its confluence with the Atlantic Ocean to the upstream Borough of Long Branch Boundary in the Borough of Long Branch, Monmouth County; Turtle Mill Brook from its confluence with the Branchport Creek upstream to Monmouth Road in the Boroughs of West Long Branch and Oceanport, Monmouth County; Little Silver Creek from Seven Bridges Road to the upstream Borough of Little Silver Boundary in the Borough of Little Silver, Monmouth County.				(northbound) in Logan; and Maurice River from its confluence with the Delaware Bay upstream to its junction with Buckshutem Creek. Maurice River from the downstream corporate limit of Millville upstream to Weymouth Road and Willow Grove Lake Dam in Vineland; Manantico Creek from Manantico Lake Dam upstream to its confluence with Cedar Branch; Scotland Run from approximately 2,000 feet downstream of Malaga Lake Dam to Washington Avenue in Franklin Township, Gloucester County; Cedar Branch from its confluence with Manantico Creek to Maple Avenue in Vineland; Blackwater Branch from its confluence with the Maurice River upstream to the Franklin-Vineland municipality boundary; Petticoat Stream from its confluence with the Maurice River upstream to Tenth Street, northwesterly of Hance Bridge Road; Piney Branch from its confluence with Blackwater Branch upstream 7,500 feet to North Vale Road in Vineland; Long Branch from its confluence with Blackwater Branch upstream 1,940 feet to the Vineland-Franklin municipality boundary; Still Run for its entire length within Franklin Township, from its downstream corporate limit upstream to approximately 190 feet upstream of Little Mill Road; Little Ease Run from its confluence with Still Run upstream to the Franklin-Clayton municipal boundary; White Marsh Run from its confluence with the Maurice River upstream to Reick Avenue in Millville; and the Manumuskine River for its entire reach within Vineland, from its downstream corporate limit in Vineland to a point 1,900 feet upstream of Daughy's Tavern Road.		
29.	Tributaries to Delaware Bay in Cumberland, Salem and Gloucester counties	The floodway and flood hazard area of the Cohansey River from the downstream corporate limits upstream to Sunset Lake Dam, the Raceway Canal for its entire length in Bridgeton, from its spillway confluence with the Cohansey River to Sunset Lake Dam, Mill Creek/Indian Fields Branch from its confluence with the Cohansey River upstream through East Lake to the upstream corporate limit in Bridgeton, Jackson Run from its confluence with the Cohansey River upstream through East Lake to the upstream corporate limit in Bridgeton, Jackson Run from its confluence with East Lake upstream 7,600 feet to the upstream corporate limit in Bridgeton; Salem River from its confluence with the Delaware River upstream to the junction with Fenwick Creek (approximately 350 feet upstream of Route 46) and Fenwick Creek from its confluence with Salem River upstream to its junction with Keasbeys Creek in Salem, and Keasbeys Creek from its confluence with Fenwick Creek to 75 feet upstream of Grant Street in Salem; Alloways Creek from its confluence with the Delaware River upstream to Salem-Hancocks Bridge Road; Raccoon Creek from its confluence with the Delaware River to 100 feet upstream of Kings Highway in Woolwich, and Oldmans Creek from its confluence with the Delaware River to 800 feet upstream of Interstate highway Route 295		30.		Paulins Kill within Blairstown Township, Warren County and from West End Drive, Stillwater Township, Sussex County, upstream to its confluence with Moore's Brook in the Town of Newton; Dry Brook from its confluence with the Paulins Kill upstream through Branchville Borough; Culvers Creek from its confluence with Dry Brook upstream to the Culvers Lake Dam; Lafayette Township Tributary from its confluence with the Paulins Kill to 4,720 feet upstream; Sparta Junction Tributary from its confluence with the Paulins Kill upstream to Layton Lane in Sparta Township; and Moore's Brook from its confluence with the Paulins Kill upstream to 1,350 feet upstream from Lake Avenue in the Town of Newton.		
				31.	Pohatcong Creek from the Township of Pohatcong-Township of Greenwich corporate limit upstream to the	Spruce Run upstream from a location 1,000 feet upstream from a private driveway bridge in Bethlehem Township upstream to the Borough of Glen Gardner, Township of Lebanon municipal boundary.		

Council Adoption Date	Stream	Limits	Type
	Jane Chapel Road Bridge, Merrill Creek from the confluence with Pohatcong Creek upstream along both the left and right channels upstream to Township of Greenwich, Township of Lopatcong Municipal boundaries, Montana Brook from the junction with Pohatcong Creek upstream to 50 feet upstream of Rt. 57 Highway Bridge, Mill Brook from the confluence with Pohatcong Creek upstream approximately 3,160 feet, Shabecong Creek from the confluence with Pohatcong Creek upstream to 1,050 feet upstream of Flower Avenue Bridge.	Rocky Run from confluence with Spruce Run upstream to 1,250 feet upstream of County Road in Lebanon Township. South Branch Raritan River from the Lebanon Township, High Bridge Borough corporate limit upstream to Budd Lake near the municipal building in Mount Olive Township, Electric Brook from the confluence with the South Branch Raritan River upstream to the spillway at Lake George Dam in Washington Township, Stony Brook from the confluence with the South Branch Raritan River upstream to Old Farmers Road in Washington Township, Drakes Brook and the Drakes Brook Diversion from the confluence with the South Branch Raritan River upstream to Mount Olive Township-Roxbury Township municipal boundary, Conlon Pond Brook from the confluence with Drakes Brook upstream to Mount Olive Township-Roxbury Township municipal boundary, Tributary to Budd Lake upstream to Route 46 Bridge in Mount Olive Township. Musconetcong River from the Townships of Pohatcong-Greenwich municipal boundary to 2,440 feet upstream of the Conrail bridge between the Townships of Roxbury and Byram, Tributary "A" from the confluence with the Musconetcong River to 50 feet upstream from culvert in the Township of Franklin Sigler Brook from the confluence with Musconetcong River upstream to 50 feet upstream of Bloomsburg Road in Franklin Township, Stephensburg Brook from confluence with Musconetcong River upstream to 250 feet upstream of dam in Washington Township, Hances Brook from the confluence with Musconetcong River upstream to Grant Avenue Highway Bridge, Tributary "B" from the confluence with Musconetcong River upstream to Route 24 Highway Bridge, Trout Brook from the confluence with the Musconetcong River upstream to abandoned canal, Hackettstown Brook from the confluence with Musconetcong River upstream to private driveway, Lubbers Run from confluence with Musconetcong River upstream to 3,950 feet upstream of Stanhope-Sparta access road, Wills Brook from the confluence with Musconetcong River upstream to 7,000 feet upstream of Dirt Road off railroad.	

OFFICE OF ADMINISTRATIVE LAW NOTE: A map delineating the flood hazard area described in this notice can be inspected at:

Division of Water Resources  
PO Box 029  
Trenton, New Jersey 08625

OFFICE ADMINISTRATIVE LAW NOTE: The Floodway and Flood Hazard Area Delineation Map and corresponding flood profile plates which depict the redelineation for the Delaware River Basin (see N.J.A.C. 7:13-7.1(c)17), are available for review at:

Office of Administrative Law  
PO Box 049  
Quakerbridge Plaza, Building Number 9  
Trenton, NJ 08625  
or

Bureau of Flood Plain Management  
1911 Princeton Avenue  
Lawrenceville, New Jersey

(d) A list of delineated streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follows:

Council Adoption Date	Stream	Limits	Type
1. 1-17-68	Stony Brook (Millstone River)	Mouth to Province Line Road	1
2. 6-26-72	Raritan River	The floodway and flood hazard area of approximately 1,650 feet of the Stony Brook (downstream) from 2,000 feet downstream of Linvale Road within the Township of East Amwell. Mouth to confluence with north and south branches Raritan River	1
i. 4-17-78	Plate R-8.		
3. 10-16-72	Greenbrook	Mouth to confluence with Blue Brook	1
i. 11-20-72	Plate G-1		
ii. 5-21-79	Green Brook Plate No. 1	Mouth to Blue Brook	1
4. 10-16-72	Neshanic River	Mouth to confluence with Third Neshanic River	1
5. 10-16-72	Third Neshanic	Mouth to Sergeantsville-Flemington Road (Route 523)	1
6. 11-20-72	Beden Brook	Mouth to footbridge 300 feet downstream from Route 518	1
7. 11-20-72	Lawrence Brook	Mouth to Deans Mill Dam	1
8. 12-18-72	Stoney Brook (Millstone River)	Province Line Road to 50 feet downstream of first bridge above confluence with Peters Brook	1
9. 1-22-73	South River	Mouth to confluence with Manalapan Brook	1
i. 3-22-76	Plate S-2		
10. 1-22-73	Manalapan Brook	Mouth to Smithsburg-Clarksburg Road (Route 524)	1
11. 3-19-73	Rockaway Creek	Mouth to Fairmont Road West. The floodway and flood hazardous area of the Rockaway Creek from approximately 3,000 feet upstream of Lamington Road to its junction with the South Branch Rockaway Creek as shown on Plate RC-3.	1
12. 3-19-73	South Branch Rockaway Creek	Mouth to private road opposite Bissel Road. The floodway and flood hazard area of the South Branch Rockaway Creek from its confluence with the Rockaway Creek upstream to approximately 1,200 feet upstream of the Cusheunk Lake Dam, as shown as Plate SBR-1.	1
13. 3-19-73	Drakes Brook	Mouth to Carey Road	1
14. 4-23-73	Lamington River	Mouth to 1080 feet downstream of the Somerset-Morris County boundary line. From the Hunterdon-Somerset-Morris County line to 1350 feet downstream of Ironia Road	1
15. 5-21-73	Bound Brook	Mouth to Reading Railroad Bridge in Edison Township	1
16. 5-12-73	Cedar Brook	Mouth to Cedarbrook Avenue	1
17. 5-21-73	Stony Brook (Green Brook)	Mouth to confluence with east and west branches of Stony Brook	1
18. 5-21-73	East Branch Stony Brook	Mouth to private road bridge at Station 1643 + 20	1
19. 6-18-73	Millstone River	Mouth to Sweetman Lane-Perineville road in Millstone Township	1
20. 6-18-73	Rocky Brook	Mouth to Penn-Central Railroad Bridge in Hightstown Boro	1
21. 6-18-73	Matchaponix Brook	Mouth at confluence with South River to confluence with McGelliards Brook and Weamaconk Creek	1
i. Amended 4-17-78	Plate P-1.		
22. 6-18-73	McGelliards Brook	Mouth to Gordon's Corner Road	1
i. Amended		Plate McG-1	

Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
23. 4-21-75 6-18-73	Wcamaconk Creek	Mouth to Monument Avenue	1			County; Orchard St. Branch from its confluence with the Rahway River upstream to the Cranford Township-Garwood Borough municipal boundary in Cranford Township, Union County; Galloway Hill Road Branch from its confluence with the Rahway River to the upstream limits of the Brookside Road Retention Basin in Cranford Township and the Town of Westfield all in Union County; College Branch from its confluence with the Rahway River upstream to Springfield Ave. in Cranford Township, Union County; Drainage Ditch, adjacent to Lenape Park dike, from its confluence with the Rahway River to its confluence with Black Brook in Springfield Township, Union County; Branch 10-30 from its confluence with the Drainage Ditch (adjacent to Lenape Park dike) to 50 ft. upstream of Wiltshire Drive in Springfield Township, Union County; Branch 10-30-1 from its confluence with the Drainage Ditch (adjacent to Lenape Park dike, Springfield Township, Union County) upstream to 4th St. in Kenilworth Borough, Union County; Black Brook from its confluence with the Rahway River to 720 feet upstream of Springfield Rd. in Springfield Township and Kenilworth Borough, Union County; Van Winkles Brook from its confluence with the Rahway River to the upstream boundary of Springfield Township in Springfield Township, Union County; Bryant Brook Branch from its confluence with Bryant Brook upstream to Route 78 in Springfield Township, Union County; Woodbridge River from its confluence with the Arthur Kill upstream to Omar Ave. in Woodbridge Township, Middlesex County; Spa Spring from the confluence of the Woodbridge River upstream to Convert Blvd. in Woodbridge Township, Middlesex County; Heards Brook from its confluence with the Woodbridge River upstream to Route 9 in Woodbridge Township, Middlesex County.	
24. 6-18-73	Wemrock Brook	Mouth to Route 33	1			The Third River from its mouth at Mouth to confluence with the Passaic River to upstream from Grove Street in the City of Clifton; St. Paul's Brook from its mouth at the confluence with the Third River upstream 3700 feet to an unnamed dam; Second River from its mouth at the confluence with the Passaic River upstream to Hillside Avenue in Glen Ridge Borough and from the downstream Montclair Town Boundary to upstream Park Street; Second River Tributary from its mouth at the confluence with the Second River to the Orange-East Orange City Boundary just upstream from Springfield Avenue; and Nishuane Brook from its mouth at the confluence with Second River Tributary to upstream from Brooklawn Road in the Town of Montclair, all in the Counties of Essex and Passaic and within the Passaic River Basin.	
25. 6-18-73	Tepchemus Brook	Mouth to Robertsville Road	1				
26. 6-18-73	South Branch Tepchemus Brook	Mouth to Robertsville Road	1				
27. 6-18-73	Milford Brook	Mouth to Old Bridge Road	1				
28. 6-18-73 i. Amended 9-23-74	Pine Brook	Mouth to Route 9 Plates P-2 and P-3	1				
29. 6-18-73	Barclay Brook	Mouth to Route 9	1				
30. 4-17-73	South Branch Raritan River	Mouth to outlet of Budd Lake	1				
31. 10-15-73	North Branch Raritan River	Mouth to Hackettstown Road (Route 24) The flood hazard area of the North Branch Raritan River (downstream) from its confluence with Chambers Brook upstream to the Bedminster-Peapack Gladstone Township Boundary solely within the Townships of Branchburg and Bedminster and the Borough of Far Hills, all within the County of Somerset; and the Lamington River from its confluence with the North Branch Raritan River upstream 6,000 feet within the Townships of Bedminster and Branchburg, Somerset County.	1				
32. 11-18-74	Harry's Brook	Mouth to Snowden Lane	1				
33. 11-18-74	Harry's Brook Branch No. 1	Mouth to Bertrand Drive	1				
34. 11-18-74	Harry's Brook Branch No. 2	Mouth to intersection of Terhune Road and Harrison Street North	1				
35. 11-18-74	Harry's Brook Branch No. 2-1	Mouth to Van Dyke Road	1				
36. 11-18-74	Harry's Brook Branch No. 2-2	Mouth to Grove Avenue	1				
37. 10-20-75	Holland Brook	Mouth to Route 523	1				
38. 10-20-75	Holland Brook Tributary A	Mouth to private bridge 2,780 feet upstream	1				
39. 10-18-76	Rahway River	Sperry Dam upstream to Kenilworth Boulevard in the Township of Cranford, Union County The floodway and flood hazard area of the Rahway River from the downstream Woodbridge Township boundary to the upstream Springfield Township boundary in Woodbridge Township and the Townships of Clark, Cranford, Springfield, Kenilworth, Union and the Cities of Rahway and Linden all in Union County; South Branch Rahway River from its confluence with the Rahway River to the upstream Woodbridge Township boundary in the City of Rahway, Union County and Woodbridge Township, Middlesex County; Orchard Creek from its confluence with the South Branch Rahway River to the upstream Woodbridge Township boundary in the City of Rahway, Union County; Parkway Branch from its confluence with the South Branch Raritan River upstream to the Garden State Parkway in Woodbridge Township, Middlesex County; Robinson's Branch from its confluence with the Rahway River to the upstream boundary of Clark Township in the Townships of Clark, Scotch Plains and the City of Rahway all in Union County; Pumpkin Patch Brook from its confluence with Robinson's Branch upstream to Inwood Ave. in Clark Township and Woodbridge Township, Middlesex	1	2-23-81	Third River		

Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
40. 4-16-79	Mountain	Mouth upstream to a private roadway bridge in the vicinity of Great Road and its Branch No. 2 from its mouth to Red Hill.	1			the Township of Berkeley Heights and the Borough of Watchung from 950 feet upstream of Oak Way extending 2135 feet upstream, approximately 750 feet downstream of Bonnie Burn Road.	
41. 4-16-79	Passaic River Dam	Mouth to Dundee Dam, McDonald's Brook and Weasel Brook from the mouth of each through the municipality of Passaic and within the municipalities of Belleville, Clifton, East Newark, East Rutherford, Garfield, Harrison, Lyndhurst, Kearny, North Arlington, Passaic, Rutherford and Wallington.	1	43. 5-21-79	Elizabeth River, Morses Creek Tributary 9-1, and Tributary 9-1-7-1.	The flood hazard area of the Robinsons Branch No. 15 from Lamberts Mill Road to approximately 1,200 feet upstream and the flood hazard area of the Robinsons Branch No. 15-1 from the mouth to approximately 375 feet upstream. The floodway and flood hazard area of the Green Brook from Jefferson Avenue to the upstream Plainfield City Boundary at Terrill Road within the Boroughs of North Plainfield and Watchung, Somerset County and the City of Plainfield, Union County; Stony Brook from its confluence with Green Brook upstream to the North Plainfield-Watchung municipal boundary, within North Plainfield Borough and the Raritan River from downstream to upstream municipal boundary of Somerville Borough, within the Borough of Somerville, Somerset County; and by adding to it the floodway and flood hazard area of Cedar Brook from the downstream Plainfield City Boundary upstream to Steele Avenue, within the City of Plainfield, Union County; Peters Brook from its confluence with the Raritan River to the upstream Somerville Borough municipal boundary, Ross Brook from its confluence with Peters Brook upstream to Routes 202-206, all within the Borough of Somerville, Somerset County. Elizabeth River from municipal boundary of Hillside upstream to Valley Street, in the Town of Irvington and Newark; and Morses Creek and Tributaries from the Central Railroad of New Jersey upstream within the Borough of Roselle Park.	1
42. 5-21-79	Raritan & Rahway River Basin Bonhamton Brook Dismal Brook Raritan River Tributary 14-14-2-2-1 14-14-2-2 14-14-2-3 Bound Brook Cedar Brook Stony Brook East Branch Stony Brook West Branch Green Brook Nomahegan Brook Tributary to Rahway River Robinson's Branch No. 15 No. 15-1, & No. 15-2	Bonhamton Brook tributary to Mill Brook from the downstream corporate boundary upstream to the Lehigh Valley Railroad, Dismal Brook from the downstream corporate boundary upstream to Norcross Avenue extended, within the Borough of Metuchen, Middlesex County; Raritan River Tributary 14-14-2-2 from the downstream corporate boundary to upstream from Grant Avenue, Tributary 14-14-2-2-1 from its confluence with Tributary 14-14-2-2-2 to upstream from Tompkins Avenue, Raritan River Tributary 14-14-2-3 from its confluence with Bound Brook upstream to New Brunswick Avenue Bound Brook from the downstream corporate boundary to the upstream corporate boundary, and Cedar Brook from its confluence with Bound Brook to the upstream corporate limit, within the Borough of South Plainfield, Middlesex County; Stony Brook from the downstream corporate boundary upstream to its confluence with the East and West Branches Stony Brook East Branch from its confluence upstream to a private road, Stony Brook West Branch from its confluence to a driveway upstream from Carrar Drive, and Green Brook from Raymond Avenue upstream to Beechwood Lane extended, within the Borough of Watchung, Somerset County; Nomahegan Brook from the downstream corporate boundary upstream to the head of Echo Lake, Tributary to Rahway River from the downstream corporate limit to a detention reservoir located upstream from Gallows Hill Road, Robinson's Branch No. 15 from Lamberts Mill Road upstream to Shackamaxon Drive, Robinson's Branch No. 15-1 from its confluence with Branch No. 15 upstream to Rahway Avenue, and Robinson's Branch No. 15-2 from its confluence with Branch No. 15 to upstream from Tice Place, within the Town of Westfield, Union County. The floodway and flood hazard area of Green Brook from the Reading Rail Road at its mouth upstream to Rock Avenue, and Bound Brook from its mouth upstream to approximately 450 feet downstream of the Lehigh Valley Railroad bridge. The floodway and flood hazard area of a reach of Green Brook bordering	1	44. 6-25-79	Passaic River, Rockaway River, Jackson and McKeel's Brooks, Beaver Brook, Hatfield Creek, Crooked Brook and its Tributary, Pine Brook, Green Brook and Kane Brook.	The Passaic River within the Corporate limits of Montville Township and West Caldwell Borough, the Rockaway River within the corporate limits of The Town of Dover and the Township of Montville; Jackson and McKeel's Brooks from their confluence with the Rockaway River upstream to the municipal boundary within the Town of Dover; Beaver Brook from the downstream municipal boundary upstream to Waughaw Road, Hatfield Creek from its confluence with the Rockaway River upstream to above Brittany Road, Crooked Brook from its confluence with the Rockaway River upstream to the Lake Valhalla Dam, Crooked Brook Tributary from its confluence with Crook Brook upstream to the municipal boundary, and Stony Brook from the downstream to upstream municipal boundaries, all within the Township of Montville; Pine Brook from the downstream to upstream municipal	1

Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
45. 8-20-79	Raritan River, South River, Manalapan and Matchaponix Brooks, Lawrence Brook, Cedar Brook and its tributary, Tennent Brook, Saw Mill Brook, Bog Brook, Beaverdam Brook, Ireland Brook, Oakleys Brook, Mac Brook, Sucker Brook and its tributary, Mile Run and its tributary, Six Mile Run and Crossway Creek.	boundaries, Green Brook from the downstream municipal boundary upstream to Central Avenue and Kane Brook from its confluence with Green Brook upstream to Central Avenue, all within West Caldwell Borough; in the Counties of Essex and Morris. Raritan River from its mouth upstream to the confluence of Mile Run, South River from its confluence with the Raritan River upstream to the confluence of Manalapan and Matchaponix Brooks and upstream along these streams through Spotswood Borough and Lawrence Brook from its confluence with the Raritan River upstream to the confluence of Oakleys Brook and to delineate the floodway and flood hazard area of Cedar Brook and its tributary from the mouth of each upstream through Spotswood Borough, Tennent Brook from its mouth through Sayreville Borough, Saw Mill Brook, Bog Brook, Beaverdam Brook and Ireland Brook each from its mouth upstream within East Brunswick Township, Oakleys Brook, Mac Brook, Sucker Brook and its tributary each from its mouth upstream within North Brunswick Township, Mile Run from its mouth upstream to Georges Road, and its Tributary from its mouth upstream through the City of New Brunswick, and Six Mile Run from the Somerset-Middlesex County Boundary (Route 27) upstream to Jersey Avenue, and Crossway Creek from Ernston Road to upstream from Frank Avenue. The floodway and flood hazard area of the Raritan River from Crab Island approximately 14,000 feet downstream to approximately 3,700 feet downstream of the New Jersey Turnpike.	1			in Harrington Park Borough; Fairview Brook from its confluence with Pascack Brook upstream to Fairview Avenue, Westdale Brook from its confluence with Pascack Brook upstream for 2,350 feet, in Westwood Borough; Pine Brook from its confluence with Musquapsink Brook upstream to Pine Lake Dam, in Washington Township; Township Brook from its confluence with Pascack Brook upstream to the municipal boundary, Tandy Brook from its confluence with Pascack Brook upstream to Pascack Road, in Hillsdale Township, Bear Brook from its confluence with Pascack Brook upstream to the Garden State Parkway, Mill Brook from its confluence with Pascack Brook upstream to Summit Avenue, Echo Glen Brook from its confluence with Mill Brook to upstream from Akers Road, Reservoir Brook from its mouth upstream to Woodcliff Avenue, Laurel Brook from its confluence with Mill Brook upstream for 3,030 feet, Holdrum Brook from its confluence with the Hackensack River upstream to the Montvale municipal boundary, Hillsdale Brook from its confluence with Holdrum Brook upstream to the Montvale municipal boundary, Cherry Brook from its confluence with the Hackensack River upstream to the New York-New Jersey boundary, Muddy Creek from its confluence with Pascack Brook upstream to the New York-New Jersey boundary, Riverdale Brook from its confluence with the Hackensack River upstream for 3,260 feet, Fieldstone Brook from its confluence with Pascack Brook upstream to Woodland Avenue, and Staelene Brook from its confluence with Pascack Brook upstream to the New York-New Jersey boundary within the Boroughs of Emerson, Harrington Park, Haworth, Hillsdale, Park Ridge, Westwood and Woodcliff Lake and the Townships of Montvale, River Vale and Washington, all within the County of Bergen. The flood hazard area of the Hackensack River, from the Old New Bridge Road upstream to the Oradell-Emerson Borough Boundary in the Boroughs of Haworth, New Milford, Oradell and River Edge; Hackensack River Bypass from its downstream to upstream confluences with the Hackensack River in New Milford and Oradell Boroughs; Hirschfeld Brook from its confluence with the Hackensack River Bypass upstream to the Teaneck Township Boundary in the Boroughs of Dumont, Bergenfield and New Milford; and Hirschfeld Brook upstream to the Ruccereto Avenue Bridge in the Boroughs of Bergenfield and Dumont, all in the County of Bergen.	
46. 5-21-79	Elizabeth River, Morses Creek Tributary 9-1, and Tributary 9-1-7-1.	Elizabeth River from municipal boundary of Hillside upstream to Valley Street, in the Town of Irvington and Newark; and Morses Creek and Tributaries from the Central Railroad of New Jersey upstream within the Borough of Roselle Park.	1				
47. 7-30-79	Hackensack River, Musquapsink Brook, Haunsmans Ditch, Kipps Brook, Steinals Ditch, Charlies Creek, Dorotockeys Run, Tappan Run, Blanch Brook, Fairview Brook, Westdale Brook, Pine Brook, Township Brook, Tandy Brook, Bear Brook, Mill Brook, Echo Glen Brook, Reservoir Brook, Laurel Brook, Holdrum Brook, Hillsdale Brook, Cherry Brook, Muddy Creek, Rivervale Brook, Fieldstone Brook and Staelene Brook.	Hackensack River from Oradell Reservoir Dam upstream to the New York-New Jersey boundary; Pascack Brook from its mouth upstream to the New York-New Jersey boundary; Musquapsink Brook from its confluence with Pascack Brook upstream to the Storm Pond dam; Haunsmans Ditch from its mouth upstream to the vicinity of Eagle Drive in Emerson Borough; Kipps Brook from its mouth upstream to the vicinity of Seneca Terrace, Steinals Ditch from its mouth upstream to the municipal boundary, Charlies Creek from the downstream municipal boundary upstream to Delaware Avenue, all in Haworth Borough; Dorotockeys Run from its mouth upstream to the municipal boundary, Tappan Run from its confluence with Dorotockeys Run upstream for 1,400 feet, Blanch Brook from its confluence with the Hackensack River upstream to Blanch Avenue, all					



Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
2-23-81	Tenakill Brook	The Tenakill Brook from its mouth at Oradell Reservoir upstream to Norman Place in Tenafly Borough; Demarest Brook from its mouth at the confluence with Tenakill Brook upstream to County Road in Demarest Borough; Cresskill Brook from its mouth at the confluence with Tenakill Brook upstream to County Road in Demarest Borough; Norwood Brook from its mouth at Oradell Reservoir upstream to Broadway; Dwars Kill from its mouth at Oradell Reservoir upstream to Piermont Road; Tappan Run from the Harrington Park boundary with Norwood upstream to the West Shore Railroad; Sparkill Brook from the New York-New Jersey boundary upstream to Piermont Road and Sparkill Creek from the New York-New Jersey boundary in Northvale Borough within the Boroughs of Closter, Cresskill, Demarest, Northvale, Norwood, Rockleigh and Tenafly, all in the County of Bergen. The floodway and flood hazard areas of Mill Brook from approximately 600 feet upstream of Paragon Drive to approximately 1,350 feet upstream of Paragon Drive. Amended for Bear Brook, from Brac Boulevard to Audobon Road within Park Ridge Borough.		49.	Third River	Morris. The flood hazard area of the Great Brook from Interstate Route 1-287 upstream to James Street in the Town of Morristown, Morris County. The flood hazard area of Foulerton Brook from a location 500 feet downstream of Eisenhower Parkway upstream to Eisenhower Parkway in the Borough of Roseland, Essex County. The floodway and flood hazard area limits for the portion of the reach of the Third River within the City of Clifton between the Waldrich Bleachery Dam and the second Route 3 Highway Bridge. (River Station 25 + 75 to Station 60 + 60.) Nomahegan Brook from the upstream limit of Echo Lake; approximately 600 ft. downstream of Mountain Avenue, upstream to Lawrence Avenue, within Mountainside Borough and West Brook and St. Georges Avenue upstream to the downstream face of the Conrail Bridge, approximately 100 ft. upstream of 1st Street within Roselle Borough and Blue Brook from its confluence with Green Brook near Diamond Hill Road upstream to the Scotch Plains Township—Mountainside Borough municipal boundaries, approximately 365 ft. upstream of a foot bridge crossing and along the Scotch Plains Township and Berkeley Heights Township municipal boundaries and Winding Brook from its confluence with Robinson's Branch upstream to the downstream face of Elizabeth Avenue within Scotch Plains Township and Branch 22 from its confluence with Robinson's Branch upstream to the Scotch Plains Township—City of Plainfield municipal boundaries, approximately 1550 ft. upstream of the Sleepy Hollow Lane Bridge and revising the floodway and flood hazard area of Robinson's Branch from its confluence with the Middlesex Reservoir upstream to the Middlesex County—Union County boundary, approximately 2800 ft. upstream of the confluence of Branch 22 along Robinson's Branch within Scotch Plains and Clark Townships. The floodway and flood hazard area of the North Branch Foulerton's Brook for approximately 750 feet from Eagle Rock Avenue Bridge upstream to Becker Farm Road Bridge. Drakes Brook from its downstream Corporate limit in Roxbury to 15230 ft. U.S.; Holland Brook from 4735 feet downstream of Centerville Road in Readington upstream to Route 19; Lamington River from 6000 feet upstream of its confluence with North Branch Raritan River upstream to Linvale Road; Stony Brook from Route 518 in East Amwell Township upstream to Linvale Road; Millstone River from 2650 feet downstream of Old Route 33 in Millstone; up-	
48. 11-19-79	Rockaway River, Passaic River, Pine Brook, North Branch Foulertons Brook, Canoe Brook, Foulertons Brook, Passaic River, Primrose Brook, Great Brook, Silver Brook, Tributary of Great Brook Whippany River, Watnong Brook Jaquis Brook.	The Rockaway River within the Town of Boonton, Morris County; the Passaic River within the Township of Chatham, Morris County; Pine Brook within the Borough of Essex Fells, Essex County; the North Branch Foulertons Brook from its mouth upstream to Livingston Avenue, Canoe Brook, Foulertons Brook and the Passaic River all within the Borough of Roseland, Essex County; the Passaic River from Madisonville Road upstream within the Township of Harding; Primrose Brook from Lee Hill Road to 0.3 miles upstream from Interstate Route 1-287 within Harding Township; Great Brook from Woodland Avenue upstream to James Street within the Townships of Harding and Morris and the Town of Morristown, Silver Brook from its confluence with Great Brook upstream to Interstate Route 1-287 and a Tributary of Great Brook from its mouth upstream to James Street within the Township of Harding, all within the County of Morris, the Whippany River from the downstream municipal boundary of Morris Township to upstream of Sussex Avenue, through the Township of Morris and Town of Morristown, Morris County; Watnong Brook from its confluence with the Whippany River upstream through the Township of Morris and Borough of Morris Plains and Jaquis Brook from its confluence with Watnong Brook through the Borough of Morris Plains; all within the County of		50.			
				51.			

Council  
Adoption Date Stream

## Limits

stream to 4754 feet upstream of Roberts Road; South Branch Rockaway Creek from 1200 feet upstream of Cushetunk Lake Dam, upstream to Kaok Avenue; Neshanic River from 2575 feet downstream of Rainbow Hill Road upstream to Old York Road; Rockaway Creek from its junction with South Branch Rockaway Creek upstream to Fairmount Road west; North Branch Raritan River from its downstream Corporate limit in Mendham, upstream to Ironia Road; Rockaway Creek from its confluence with Lamington River upstream to 3000 feet upstream of Lamington Road; Rocky Brook from its downstream corporate limit in Millstone, upstream 5200 feet; South Branch Raritan River from 4000 feet downstream of Higginsville Road in Hillsboro/Readington to New Dartmouth Road in Readington Raritan and again from 7150 feet downstream of Gray Rock Road to 1170 feet upstream of Cokesbury Road in Clinton Township; and to add to it the floodway and flood hazard area of Back Brook from its confluence with Neshanic River upstream to Old York Road in East Amwell; Beaver Brook in Clinton township from 3000 feet downstream of Route 31, upstream to Central Railroad of New Jersey; Burnett Brook from its confluence to North Branch Raritan River upstream to South Road; Capoolong Creek in Franklin Township from 3600 feet downstream of Quakertown Road upstream 6350 feet; Chambers Brook in Bedminster/Bridgewater from its confluence with North Branch Raritan River upstream through a portion of Echo Lake; Chambers Brook in Readington from 700 feet downstream of County Line Road upstream 15260 feet; Clausas Brook from its confluence with North Branch Raritan River to Lamington Road in Bedminster; Dawsons Brook from its confluence with Burnett Brook upstream 2177 feet in Mendham; Gladstone Brook in Chester Township from St. Bernards Road upstream 4845 feet; Harmony Brook from its confluence with Whippany River upstream to Woodland Road; Herzog Brook in Bedminster from its confluence with Lamington River upstream to Pottersville Road; Hoopstick Brook from its mouth upstream to Lamington Road in Bedminster; Indian Brook from its confluence with Burnett Brook upstream 5840 feet; Middle Brook from its confluence with North Branch Raritan River upstream to Spook Hollow Road; Mulhockaway Creek in Union from Spruce Run upstream to 430

## Type

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## Limits

feet upstream of Gravel Hill road; Musconetcong River from mouth at Lake Musconetcong upstream 4380 feet; Passaic River in Mendham from its downstream corporate limit to 1300 feet upstream of Tempewick road; Peapack Brook in Bedminster from its confluence with North Branch Raritan River, upstream 3230 feet; Peapack Brook in Clinton Township from its downstream Corporate limit upstream to Farm Road; Pleasant Run in Readington from 450 feet downstream of Old York Road to upstream of Route 202; Rockaway River in Roxbury from its downstream corporate limit to its upstream Corporate limit; South Fork Third Neshanic River in East Amwell from Creek Road downstream to Creek Road upstream; Spruce Run from Spruce Run Reservoir up stream 6340 feet; Succasunna Brook in Roxbury from the downstream Corporate limit upstream to Eyland Road; portion of the Toms River in Millstone Township from Monmouth Road upstream 5600 feet; Whippany River in Mendham from the downstream Corporate limit to its confluence with Harmony Brook; Willoughby Brook from Spruce Run Reservoir upstream to Buffalo Hollow Road; Various Unnamed Tributaries to South Branch Raritan River including Tributary 'A' in Franklin and Union Townships from Lehigh Valley Railroad to Conrail Bridge. Tributary 'A' in Readington from confluence to Barley Sheaf Road; various unnamed tributaries to Mulhockaway Creek in Union Township; Tributary 'B' from its confluence upstream 5380 feet; Tributary 'C' from its confluence upstream 5155 feet. Tributary 'D' from its confluence upstream 5760 feet. Tributary 'F' from its confluence upstream 1240 feet and Tributary 'E' from Tributary 'D' upstream 4200 feet; Two Tributaries to South Branch Rockaway Creek in Lebanon Borough; Tributary 'A' from its confluence to Route 22 and Tributary 'B' from its confluence with Tributary 'A' to Route 78; a tributary to Neshanic River in East Amwell labelled Tributary 'A' from its confluence to Manners Road; a Tributary to Lamington River in Tewksbury labelled Tributary 'A' from its confluence to 5000 feet upstream of Homestead Road; and a tributary to Rockaway Creek labelled Tributary 'B' from its confluence upstream 2810 feet. Passaic River from the junction with the Whippany River upstream to the Somerset Morris County border. Spring Garden Brook from the confluence with the Passaic River upstream to 300 feet upstream of Cross Street Bridge. Canoe Brook from the confluence with the Passaic River upstream to a location 150 feet downstream of Rt. 280. Canoe Brook Downstream Tributary

## Type

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## Limits

Number 1 from the confluence with Canoe Brook upstream to 1000 feet upstream of White Oak Ridge Road. Bear Brook from the confluence with Canoe Brook Upstream to downstream of Bear Brook dam. Slough Brook from 100 feet downstream of Parsonage Hill Road upstream to 150 feet upstream of Irving Avenue. Salt Brook from the confluence with the Passaic River upstream to the Conrail Bridge. West Branch Salt Brook from the confluence with Salt Brook upstream to 300 feet upstream of Morris Avenue. Cory's Brook from the confluence with the Passaic River upstream to 100 feet upstream of Private Road Bridge. Dead River from the confluence with the Passaic River upstream of Annin Road. Harrison Brook from the confluence with Dear River upstream to 100 feet upstream of South Alward Avenue. Harrison Brook Branch 2 from the confluence with Harrison Brook upstream to 900 feet upstream of Private Road Dam. Indian Grave Brook from the confluence with the Passaic River upstream to 1700 feet upstream of Washington Corner Road and Tributary K from the confluence with Indian Grave Brook upstream to 50 feet upstream of Driveway Bridge. (Amends (d)4R for Roseland, Harding and Chatham Townships, and (e)1 for West Caldwell Township.)

Van Horn Brook and its Tributary, Cherry Run, Duck Pond Run, Devils Brook, Bee Brook, Shallow Brook, Little Bear Brook, Big Bear Brook, Canoe Brook, Bear Creek, Cranbury Brook, Cedar Brook, Rocky Brook, Bentley's Brook, Clear Brook, Tributary to Cranbury Brook, Sawmill Brook and its Tributary, Tributary to Manalapan Brook, Wigwan Brook, Tributary to Weamaconk Creek, Heathcote Brook and its Tributary, Carters Brook and its Tributary, Heathcote Brook Branch, Switzgale Brook, Six Mile Run Branch and its Tributary, Ten Mile Run and its Tributary 1, Great Ditch, Tributary to Lawrence Brook, Cow Yard Brook, Tributary to Oakley's Brook. Van Horn Brook from the Princeton Township corporate boundary to approximately 225 feet upstream of Arreton Road; Tributary to Van Horn Brook from the Princeton Township corporate limit to Herrontown Road; Cherry Run from the Princeton Township corporate limit to Cherry Hill Road; Duck Pond Run from its confluence upstream to Penn Lyle Road in West Windsor; Devils Brook from its confluence upstream to Hay Press Road in South Brunswick; Bee Brook from its confluence upstream to approximately 3,000 feet upstream of Scudders Mill By-Pass Road in Plainsboro; Shallow Brook from

## Type

Council  
Adoption Date Stream

## Limits

its confluence upstream to the New Jersey Turnpike in Monroe Township; Little Bear Brook from its confluence upstream to Meadow Road in Windsor; Big Bear Brook from its confluence upstream to Route 33 in East Windsor; Canoe Brook from its confluence upstream to Penn Lyle Road in West Windsor; Bear Creek from its confluence to the West Windsor-Washington Township corporate limit and the reach within East Windsor; Cranbury Brook from its confluence upstream through Plainsboro and Cranbury to Longstreet Road in Monroe; Cedar Brook from its confluence upstream through Cranbury Township to Applegate Road; Tributary to Millstone River from its confluence upstream approximately 3,417 feet; Rocky Brook for the reaches within East Windsor; Bentley's Brook from its confluence to approximately 2,600 feet upstream of Route 33; Clear Brook from its confluence to approximately 565 feet upstream of Union Valley Half Acre Road; Tributary to Cranbury Brook from its confluence to Union Valley Gravel Hill Road; Sawmill Brook from its confluence upstream 4,453 feet within Helmetta Borough; Tributary to Sawmill Brook from its confluence upstream 640 feet within Helmetta Borough; Tributary to Manalapan Brook from its confluence to Mott Avenue within Monroe Township; Wigwan Brook from its confluence upstream 7,029 feet; Tributary to Wamaconk Creek from its confluence to Farm Lane within Englishtown; Heathcote Brook from its confluence to 2,959 feet upstream of New Road; Tributary to Heathcote Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Carters Brook for the reach within South Brunswick, from its confluence upstream to Old Road; Tributary to Carters Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Heathcote Brook Branch from its confluence upstream to Route 1; Switzgale Brook from its confluence upstream to New Road; Six Mile Run Branch from Lincoln Highway upstream to approximately 1,200 feet upstream of Stillwell Road; Tributary to Six Mile Run from its confluence upstream to approximately 2,000 feet upstream of Sand Hill Road; Ten Mile Run from Lincoln Highway upstream to approximately 2,000 feet upstream of New Road; Tributary 1 to Ten Mile Run from its confluence upstream to approximately 600 feet upstream of Rumson Road; Great Ditch from its confluence upstream approximately 1,300 feet; Tributary to Lawrence Brook from its confluence upstream 2,915 feet; Cow Yard

## Type

53.

Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
		Brook from its confluence upstream to approximately 516 feet upstream of Deans Lane; and Tributary to Oakley's Brook from its confluence upstream to approximately 970 feet upstream of Henderson Road.				Brook, from Rt. 10 Highway bridge upstream 8,330 feet; Pequannock River, from the downstream Jefferson municipal boundary upstream to the Oak Ridge Reservoir Dam; Lake Hopatcong; Weldon Brook Tributary, Weldon Brook from the confluence with Lake Hopatcong upstream to East Shawnee Trail; Lake Hopatcong Tributary No. 2, from the confluence with Lake Hopatcong upstream to Lorretta Long Drive highway bridge; Hohokus Brook, upstream from the Wyckoff-Franklin Lakes municipal boundary upstream to 400 feet upstream of De Yoe Pond; Pond Brook, upstream from Oakland-Franklin Lakes municipal boundary upstream to Franklin Lakes Road; Wigwam Brook, from the downstream Orange boundary upstream to Watchung Street; East Branch Rahway River, from the downstream Orange boundary to upstream municipal boundary; East Fork of the East Branch Rahway River, from the junction with East Branch Rahway River upstream to Joyce Street.	
54.	Rock Brook, Pike Run and Cruser Brook.	Rock Brook from its mouth upstream to Camp Meeting Road; Pike Run from its mouth upstream to Township Line Road; Cruser Brook from its mouth upstream to Belle Mead-Blawenburg Road.					
55.	Passaic River, Rockaway River and Tributaries, Whippany River and Tributaries, Pequannock River, Lake Hopatcong and Tributaries, Hohokus Brook, Pond Run, and Tributaries of the Rahway River	Passaic River, from the Township of Fairfield-West Caldwell municipal boundary upstream to the West Caldwell-Roseland boundary; Rockaway River, from its confluence with the Passaic River upstream to Pollard Mountain Road bridge in Jefferson Township; Hatfield Creek, from its confluence with the Rockaway River upstream to Gathering Road; Crooked Brook, from its confluence with the Rockaway River upstream to Church Street; Den Brook, from its confluence with the Rockaway River upstream to 1,270 feet upstream of Shongun Road bridge; Beaver Brook, from its confluence with the Rockaway River upstream to Beach Glen Road; Fox Brook, from its confluence with the Rockaway River upstream to 960 feet upstream of Fox Lake Dam; Rockaway River Tributary No. 1, from the confluence with Rockaway River upstream 5,800 feet; Green Pond Brook, from the confluence with the Rockaway River upstream to the Rt. 80 ramp; Rockaway River Tributary No. 5, from its confluence with Rockaway River upstream to footbridge across Cozy Lake; Rockaway River Tributary 5-1, from its confluence with Rockaway River Tributary No. 5 upstream 240 feet; Rockaway River Tributary No. 6, from its confluence with Rockaway River upstream to Milton Road highway bridge; Rockaway River Tributary No. 7, from its confluence with Rockaway River upstream to Welden Road highway bridge; Whippany River, from its confluence with Rockaway River upstream to Morris Township municipal boundary; Troy Brook, from its confluence with the Whippany River upstream to Cherry Hill Road; West Brook, from its confluence with the Troy Brook upstream to Lake Structure; Eastmans Brook, from the confluence with Troy Brook upstream to upstream end of Lake Parsippany; Black Brook, from its confluence with the Whippany River to upstream corporate limit of Hanover Township; Pinch Brook, from its confluence with Black Brook to the upstream corporate limit of East Hanover Township; Malapardis Brook, from its confluence with the Whippany River upstream to South Jefferson Road; Watnong					

AGENCY NOTE: All relevant information and documents are available for inspection during normal working hours at the Office of the Bureau of Flood Plain Management, Section 5, 5 Station Plaza, 501 East State St., Trenton, New Jersey and at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey. Approximately 70 maps are on file for these delineations.

(e) A list of delineated streams in the Passaic River follows:

Council Adoption Date	Stream	Limits	Type
1. 10-18-79	Passaic River, Henderson Brook, Diamond Brook, Goffle Brook, Deep Brook, Molly Ann Brook, Tributaries Nos. 3, 4, 5 and 6, Buttermilk Falls and Squaw Brook, Slippery Rock Brook, Pearl Brook and Dowling Brook. Peckman River, Great Notch Brook, Taylor Brook and a small Tributary of Peckman River, Wabash Brook, Weasel Brook, Plog Brook, Weasel Brook Branch No. 3-5-2 and a small Tributary of Weasel Brook	Passaic River from Dundee Dam upstream to Beatties Dam; Henderson Brook from its mouth at the confluence with the Passaic River upstream up to the Erie-Lackawanna Railroad within Fair Lawn Borough; Diamond Brook from its mouth at the confluence with the Passaic River upstream through Fair Lawn and Glen Rock Boroughs; Goffle Brook from its mouth at the confluence of the Passaic River upstream through Hawthorne Borough and Deep Brook from its mouth at the confluence with Goffle Brook through Hawthorne Borough; Molly Ann Brook from its mouth at the confluence with the Passaic River upstream through the City of Paterson, and Boroughs of Haledon and North Haledon; Tributaries Nos. 3, 4, 5 and 6, Buttermilk Falls and Squaw Brook each from their mouths at the confluence with Molly Ann Brook upstream through the Borough of North Haledon; Slippery	1

Council Adoption Date	Stream	Limits	Type	Council Adoption Date	Stream	Limits	Type
		Rock Brook from its mouth at the confluence with the Passaic River upstream through the City of Paterson and Borough of West Paterson; Pearl Brook and Dowling Brook each from their mouths at the confluence with the Passaic River upstream within the Borough of West Paterson; Peckman River from its mouth at the confluence with the Passaic River upstream through the Borough of West Paterson, Townships of Little Falls and Cedar Grove, and Borough of Verona; Great Notch Brook from its mouth at the confluence with Peckman River upstream through the Township of Little Falls and Borough of West Paterson; Taylor Brook and a small Tributary of Peckman River, each from their mouths at the confluence with Peckman River upstream within the Township of Cedar Grove; Wabash Brook from its mouth at the confluence with the Passaic River upstream to the Garden State Parkway; Weasel Brook from the Passaic City Boundary upstream to Rutgers Place; Plog Brook from its mouth at the confluence with Weasel Brook upstream to Van Houten Avenue; and Weasel Brook Branch No. 3-5-2 from its mouth upstream to Athena Avenue and a small tributary of Weasel Brook upstream to the Garden State Parkway and within the City of Clifton. The proposed delineation affects Cedar Grove Township, Clifton City, Elmwood Park Borough, Fair Lawn Borough, Garfield City, Glen Rock Borough, Haledon Borough, Hawthorne Borough, Little Falls Township, North Haledon Borough, Paterson City, Prospect Park Borough, Totowa Borough, Verona Borough and West Paterson Borough in the Counties of Bergen, Essex and Passaic.				head of Hidden Valley Lake; Stephens Lake Brook from its mouth at the confluence with Meadow Brook upstream 11,940 feet to the head of a small lake; Stephens Lake Brook Branch No. 1 from Conklintown Road upstream 1,400 feet; Stephens Lake Brook Branch No. 2 from its mouth to its headwaters; High Mountain Brook from its mouth at the confluence with Meadow Brook upstream 14,150 feet; Erskine Brook from its mouth at the Wanaque Reservoir upstream to the head of Upper Lake Erskine; Cupsaw Brook from its mouth at the Wanaque Reservoir upstream to Kraft Place, Cupsaw Brook Branch No. 1 from its mouth upstream to Kendall Drive, Cupsaw Brook Branches Nos. 2 and 3 each from its mouth upstream to Skylands Road and Cupsaw Brook Branch No. 4 from its mouth upstream 1,760 feet; Ringwood Creek from its mouth at the Wanaque Reservoir upstream to Farm Road and Ringwood Creek Branch No. 1 from its mouth upstream to Sloatsburg Road; West Brook from its mouth at the Wanaque Reservoir upstream to the West Milford Township-Ringwood Borough Boundary; Burnt Meadow Brook from its mouth at the confluence with West Brook upstream to the West Milford Township-Ringwood Borough Boundary, and Burnt Meadow Brook Branch No. 5 from its mouth upstream 2,450 feet; all within Ringwood and Wanaque Boroughs, in the County of Passaic; Longhouse Creek from the New York-New Jersey Boundary upstream to the head of Bearfoot Waters; Greenwood Lake, Belcher Creek from its mouth at Greenwood Lake upstream to Union Valley Road; Belcher Creek Branch No. 1 from its mouth upstream to Union Valley Road, Cooley Brook from its mouth at the confluence of Belcher Creek upstream 440 feet, Green Brook from its mouth at the confluence of Cooley Brook upstream to Union Valley Road, Belcher Creek Branch No. 2 from its mouth upstream 8,100 feet; Moorestown Brook from its mouth at the confluence of Belcher Creek upstream to the head of Carpi Lake; Pequannock River from the Bloomingdale Borough, West Milford Township Boundary upstream to Macopin Intake; Post Brook from the Bloomingdale Borough, West Milford Township Boundary to upstream from Algonquin Water Lake, Post Brook Branch No. 3 from its mouth upstream 5,600 feet and Post Brook Branch No. 4 from its mouth upstream to Shady Lake; West Brook from the Lower Mt. Glen Lake Spillway upstream to the head of Indian Train Lake and West Brook Branch No. 7 from its mouth upstream to the	

(f) A list of delineated streams within West Milford Township, Ringwood and Wanaque Boroughs, in Passaic County follows:

Council Adoption Date	Stream	Limits	Type
1. 10-18-79	Wanaque River, Post Brook and its No. 1 and No. 2 Branches, Meadow Brook and its No. 2 Branch, Stephens Lake Brook and its No. 1 and No. 2 Branches, High Mountain Brook, Erskine Brook, Cupsaw Brook and its No. 1, No. 2, No. 3 and No. 4 Branches, Ringwood Creek and its No. 1 Branch, West Brook, Burnt Meadow Brook	Wanaque River from the Pompton Lakes-Wanaque Borough Boundary line upstream to West Milford Township-Ringwood Borough Boundary line; Post Brook from the Pompton Lakes-Wanaque Borough Boundary line upstream to the Bloomingdale-Wanaque Borough Boundary line; Post Brook Branch No. 1 from its mouth upstream to the Bloomingdale-Wanaque Borough Boundary line; Post Brook Branch No. 2 from its mouth upstream 3,200 feet; Meadow Brook from its mouth at the confluence with the Wanaque River upstream to the head of Upper Skyline Lake; Meadow Brook Branch No. 2 from its mouth upstream to the	1

Council Adoption Date	Stream	Limits	Type
		head of Linday Lake; all in the Township of West Milford, County of Passaic.	

(g) A list of delineated streams in the Saddle River follows:

Council Adoption Date	Stream	Limits	Type
1. 8-20-79	Saddle River, Coalberg Brook and its Tributary, Sprout Brook, Beaver Dam Brook, Jordan Brook, Hohokus Brook, Ramsey Brook, Valentine Brook and its No. 1 and No. 2 Tributaries, Valentine Brook Tributary No. 2, Darlington Brook Tributary and Masonicus Brook.	Saddle River from its mouth at the confluence with the Passaic River through Wallington Borough and from the downstream boundary of Saddle Brook Township upstream through the Borough of Fair Lawn; Coalberg Brook from its mouth at the confluence with Saddle River upstream to Route 46; and its Tributary from its mouth upstream to Route 46; Sprout Brook from its mouth at the confluence with Saddle River through Rochelle Park Township; Beaver Dam Brook from its mouth at the confluence with Saddle River upstream to Van Duren Avenue; Jordan Brook from its mouth at the confluence with Saddle River upstream to Berdan Avenue, and Hohokus Brook from its mouth at the confluence with Saddle River upstream through Glen Rock Borough; Ramsey Brook from the downstream Ramsey Borough Boundary upstream to Route 17; Valentine Brook from the downstream Ramsey Borough Boundary to upstream from Darlington Avenue; Valentine Brook Tributary No. 1 from its mouth upstream to Darlington Avenue; Valentine Brook Tributary No. 2 from its mouth upstream to East Main Street; Darlington Brook Tributary and Masonicus Brook each through Ramsey Borough.	1
2.	Saddle River, Ho-Ho-Kus Brook, Sprout Brook, Manning Brook, Herring Brook, Behnke Brook, Goffle Brook, Ramapo and Mahwah Rivers, Masonicus Brook	Saddle River from the Confluence of Ho-Ho-Kus Brook upstream to approximately 525 feet downstream of Bogert Road; Ho-Ho-Kus Brook from Grove Street, upstream to the upstream corporate boundary of Ridgewood and Waldwick, approximately 300 feet downstream from Wyckoff Road; Sprout Brook from Plaza Way in Paramus upstream to the confluence of Manning Brook from its mouth upstream to Van Binsberger Boulevard in Paramus; Herring Brook from its mouth to approximately 130 feet upstream of Route 4 in Paramus; Behnke Brook from its mouth to Midland Avenue in Paramus; Goffle Brook for the entire reach in Ridgewood, from Rock Road to 130 feet downstream of Lake Street; the Ramapo and Mahwah Rivers for the entire reaches within Mahwah Borough and Masonicus Brook from its mouth upstream to approximately 60 feet upstream of Constantine Drive.	

(h) A list of delineated streams in the Hackensack Basin follows:

The floodway and flood hazard area of Saddle River for the entire reach within South Hackensack Township, Hackensack River from 400 feet upstream of the New Jersey Turnpike at the South Hackensack-Little Ferry corporate limit upstream to approximately 1,900 feet upstream of River Edge Road in River Edge Borough, Bellman's Creek from approximately 700 feet downstream of N.Y. Central Rail Road upstream to the confluence of Wolf Creek, Wolf Creek from its mouth upstream to approximately 30 feet downstream of Elite Court, Losen Slofe from its mouth upstream to Moonachie Road, Frenches Creek from its mouth upstream to New Bridge Road, Coles Brook from its mouth upstream to Catalpa Avenue, Van Saun Mill Brook from its mouth upstream to approximately 1,100 upstream of Continental Avenue, Overpeck Creek from its mouth upstream of East Hudson Avenue, Teaneck Creek from its mouth upstream to approximately 650 feet downstream of Fycke Lane, Metzler Creek for the entire reach within Englewood and Teaneck, Tributary No. 1 to Overpeck Creek from its mouth upstream to Thompson Avenue, and Flat Rock Brook from its mouth upstream to Middlesex Avenue.

(i) A list of delineated streams in the Central Passaic Basin follows:



The floodway and flood hazard area of the Passaic River from Beatties Dam upstream to the Borough of Fairfield—Township of West Caldwell municipal boundary, Deepavaal Brook from the confluence with the Passaic River upstream to Clinton Road Bridge, Green Brook from the confluence with Deepavaal Brook upstream to Mountain Avenue, Singac Brook from the junction with Passaic River upstream to 6,300 feet upstream of Valley Road, Naachtpunkt Brook from the junction with Singac Brook upstream to Totowa Road, Pompton River from junction with Passaic River upstream to confluence with the Pequannock and Ramapo River, Beaver Dam Brook from the confluence with Pompton River upstream to Lincoln Park, Montville municipal boundary, East Ditch from the confluence with Beaver Dam Brook upstream to Mountain Avenue, West Ditch from the confluence with Beaver Dam Brook to 2,000 feet upstream of Sunset Road, Ramapo River upstream from the Pequannock River—Ramapo—Pompton River junction to the Oakland—Mahwah municipal boundary, Allerman Brook (Pond Run) from the junction with the Ramapo River upstream to Oakland—Franklin Lakes municipal boundary, Acid Brook from the junction with the Ramapo River upstream to railroad tracks, Pequannock River from the Pequannock River—Ramapo—Pompton River junction to the Butler—Bloomingdale—West Milford municipal boundary, Wanaque River from the Pequannock River to the Pompton Lakes—Wanaque municipal boundary, Stone House Brook from confluence with Pequannock River upstream to 3,100 feet upstream of Route 23, Van Dam Brook from confluence with Pequannock River upstream to 750 feet upstream from Knolls Road, Cold Spring Brook from confluence with Pequannock River upstream 1600 feet upstream of West Shore Road, Oakwood Lake Brook from confluence with Pequannock River upstream to Glen Wild Revenue, Post Brook and Tributaries from the junction with Wanque River upstream to Lake Ioscoe.

As amended, R.1975 d.376, eff. December 18, 1975.

See: 7 N.J.R. 462(a), 8 N.J.R. 15(a).

As amended, R.1976 d.229, eff. July 21, 1976.

See: 7 N.J.R. 410(b), 8 N.J.R. 379(b).

As amended, R.1976 d.230, eff. July 21, 1976.

See: 7 N.J.R. 410(a), 8 N.J.R. 379(c).

As amended, R.1976 d.317, eff. October 13, 1976.

See: 8 N.J.R. 327(b), 8 N.J.R. 510(b).

As amended, R.1977 d.143, eff. April 21, 1977.

See: 8 N.J.R. 508(a), 9 N.J.R. 218(c).

As amended, R.1977 d.144, eff. April 21, 1977.

See: 9 N.J.R. 13(b), 9 N.J.R. 218(d).

As amended, R.1978 d.238, eff. July 19, 1978.

See: 10 N.J.R. 228(a), 10 N.J.R. 329(b).

As amended, R.1979 d.194, eff. May 15, 1979.

See: 11 N.J.R. 60(b), 11 N.J.R. 276(d).

As amended, R.1979 d. 418, eff. October 18, 1979.

See: 11 N.J.R. 61(a), 11 N.J.R. 544(d).

As amended, R.1979 d.430, eff. October 19, 1979.

See: 11 N.J.R. 60(a), 11 N.J.R. 545(a).

As amended, R.1980 d.22, eff. January 14, 1980.

See: 11 N.J.R. 322(a), 12 N.J.R. 72(c).

As amended, R.1980 d.23, eff. January 14, 1980.

See: 11 N.J.R. 225(a), 12 N.J.R. 72(d).

As amended, R.1980 d.24, eff. January 14, 1980.

See: 11 N.J.R. 61(b), 12 N.J.R. 73(a).

As amended, R.1980 d.25, eff. January 14, 1980.

See: 11 N.J.R. 226(a), 12 N.J.R. 73(b).

As amended, R.1980 d.26, eff. January 14, 1980.

See: 11 N.J.R. 171(a), 12 N.J.R. 73(c).

As amended, R.1980 d.65, eff. February 7, 1980.

See: 11 N.J.R. 323(a), 12 N.J.R. 113(b).

As amended, R.1980 d.66, eff. February 7, 1980.

See: 11 N.J.R. 369(a), 12 N.J.R. 113(c).

As amended, R.1980 d.76, eff. February 14, 1980.

See: 11 N.J.R. 538(a), 12 N.J.R. 113(e).

As amended, R.1980 d.99, eff. March 3, 1980.

See: 11 N.J.R. 539(a), 12 N.J.R. 181(b).

As amended, R.1980 d.242, eff. June 4, 1980.

See: 12 N.J.R. 180(a), 12 N.J.R. 391(c).

As amended, R.1980 d.251, eff. June 9, 1980.

See: 12 N.J.R. 110(a), 12 N.J.R. 391(e).

As amended, R.1980 d.325, eff. July 17, 1980.

See: 12 N.J.R. 311(a), 12 N.J.R. 462(e).

As amended, R.1981 d.8, eff. January 9, 1981.

See: 12 N.J.R. 69(a), 13 N.J.R. 91(c).

(b)5 added.

As amended, R.1981 d.9, eff. January 9, 1981.

See: 12 N.J.R. 70(a), 13 N.J.R. 91(d).

(b)6 added.

As amended, R.1981 d.88, eff. March 9, 1981.

See: 12 N.J.R. 506(a), 13 N.J.R. 194(d).

(b): Great Egg Harbor River flood plain delineation added.

As amended, R.1981 d.89, eff. March 9, 1981.

See: 12 N.J.R. 506(b), 13 N.J.R. 194(e).

(b): Mullica River Flood plain delineation added.

As amended, R.1981 d.144, eff. June 7, 1981.

See: 12 N.J.R. 640(b), 13 N.J.R. 339(c).

(d): Tenakill Brook added.

As amended, R.1981 d.145, eff. June 4, 1981.

See: 12 N.J.R. 640(a), 13 N.J.R. 340(a).

(d): Third River added.

As amended, R.1982 d.154, eff. May 17, 1982.

See: 13 N.J.R. 805(a), 14 N.J.R. 472(b).

(c)17: "Burlington Township" to "Plumsted, Ocean County" added.

As amended, R.1982 d.155, eff. May 17, 1982.

See: 13 N.J.R. 921(a), 14 N.J.R. 473(a).

(b)9 added.

As amended, R.1982 d.156, eff. May 17, 1982.

See: 14 N.J.R. 19(a), 14 N.J.R. 473(b).

(d)47: "Old New Bridge Road" to "Ruccereto Avenue Bridge" added.

As amended, R.1982 d.157, eff. May 17, 1982.

See: 13 N.J.R. 920(a), 14 N.J.R. 473(c).

(d)39: "Woodbridge" to "Heards Brook" added.

As amended, R.1982 d.209, eff. July 19, 1982.

See: 14 N.J.R. 367(b), 14 N.J.R. 755(c).

(b)5: Atsion Lake Dam to Jackson-Medford Road added.

As amended, R.1982 d.392, eff. November 1, 1982.

See: 14 N.J.R. 367(a), 14 N.J.R. 1211(b).

(d)31: North Branch (downstream) and Lamington River added.

As amended, R.1982 d.428, eff. December 6, 1982.

See: 14 N.J.R. 870(a), 14 N.J.R. 1356(c).

(d)42: Robinsons Branch from Lamberts Mill Road to "375 feet upstream" added.

As amended, R.1982 d.430, eff. December 6, 1982.

See: 14 N.J.R. 683(a), 14 N.J.R. 1365(a).

(b)6: Chamberlain Branch to Factory Branch added.

As amended, R.1982 d.431, eff. December 6, 1982.

See: 14 N.J.R. 505(a), 14 N.J.R. 1366(a).

(c)2: Route 295 in Deptford Township to Belmont Avenue in West Deptford and National Park added.

As amended, R.1982 d.432, eff. December 6, 1982.

See: 14 N.J.R. 506(a), 14 N.J.R. 1366(b).

(c)27 added.

As amended, R.1982 d.453, eff. December 20, 1982.

See: 14 N.J.R. 870(b), 14 N.J.R. 1451(a).

(d)48: Great Brook from I-287 to James Street added.

As amended, R.1982 d.478, eff. January 3, 1983.

See: 14 N.J.R. 1027(a), 15 N.J.R. 32(b).

(d)48: Foulerton Brook to Eisenhower Parkway added.

As amended, R.1983 d.109, eff. April 18, 1983.

See: 14 N.J.R. 1131(b), 15 N.J.R. 622(c).

(d)1: 1,650 feet of Stony Brook (downstream) added.

As amended, R.1983 d.135, eff. May 2, 1983.

See: 14 N.J.R. 1434(a), 15 N.J.R. 689(b).

(c)8: Evesham Twp. to Burr's Mill Brook added.

As amended, R.1983 d.136, eff. May 2, 1983.

See: 14 N.J.R. 1131(a), 15 N.J.R. 690(a).

(d)42: Green Brook from Jefferson Avenue to Peters Brook, Somerville added.

As amended, R.1983 d.168, eff. June 6, 1983.

See: 14 N.J.R. 1134(a), 15 N.J.R. 893(a).

(c)28 added.

As amended, R.1983 d.197, eff. June 6, 1983.

See: 14 N.J.R. 1189(a), 15 N.J.R. 894(a).

(b)10 added.

As amended, R.1983 d.405, eff. September 19, 1983.

See: 15 N.J.R. 989(a), 15 N.J.R. 1576(d).

(d)47: Paragon Drive floodway added.

As amended, R.1983 d.462, eff. October 17, 1983.

See: 14 N.J.R. 1132(a), 15 N.J.R. 1761(b).

(c)17: Ewing-Hopewell floodways added.

As amended, R.1983 d.463, eff. October 17, 1983.

See: 15 N.J.R. 659(a), 15 N.J.R. 1761(c).

(d)45: Crab Island floodway added.

As amended, R.1983 d.569, eff. December 5, 1983.

See: 15 N.J.R. 198(a), 15 N.J.R. 2039(a).

(b)11 added.

As amended, R.1984 d.108, eff. April 2, 1984.

See: 16 N.J.R. 5(a), 16 N.J.R. 711(a).

(d)11 and 12: added second delineation.

As amended, R.1984 d.131, eff. April 16, 1984.

See: 15 N.J.R. 1412(a), 16 N.J.R. 881(a).

(d)49 added.

As amended, R.1984 d.200, eff. May 21, 1984.

See: 15 N.J.R. 1541(a), 16 N.J.R. 1224(a).

(c)29 added.

As amended, R.1984 d.338, eff. August 6, 1984.

See: 15 N.J.R. 1540(a), 16 N.J.R. 2102(a).

(d)42: Green Brook from Reading RR, and Bound Brook to Lehigh Valley RR added.

As amended, R.1984 d.404, eff. September 17, 1984.

See: 16 N.J.R. 1865(a), 16 N.J.R. 2432(b).

(d)47: Bear Brook redelineated.

As amended, R.1984 d.438, eff. October 1, 1984.

See: 16 N.J.R. 1864(a), 16 N.J.R. 2543(a).

(d) revised for Green Brook.

As amended, R.1984 d.542, eff. December 3, 1984.

See: 16 N.J.R. 1863(a), 16 N.J.R. 3307(a).

(c)31 added.

Amended by R.1985 d.130, eff. March 18, 1985.

See: 16 N.J.R. 1865(b), 17 N.J.R. 687(b).

(d)50-52: added.

Amended by R.1985 d.217, eff. May 6, 1985.

See: 16 N.J.R. 2397(a), 17 N.J.R. 1080(b).

(c)30 added.

Amended by R.1985 d.218, eff. May 6, 1985.

See: 16 N.J.R. 1306(a), 17 N.J.R. 1080(a).

Pequest River added to (c)27.

Amended by R.1985 d.319, eff. June 17, 1985.

See: 17 N.J.R. 151(a), 17 N.J.R. 1550(a).

(c): Flood Hazard Area Delineation Map and corresponding flood profile plates have been amended.

Amended by R.1985 d.320, effective June 17, 1985.

See: 16 N.J.R. 2398(a), 17 N.J.R. 1551(a).

New (d)50.

Amended by R.1985 d.329, effective July 1, 1985.

See: 16 N.J.R. 1307(a), 17 N.J.R. 1648(b).

New (d)51.

Amended by R.1986 d.40, effective February 18, 1986.

See: 17 N.J.R. 1175(a), 18 N.J.R. 414(b).

(h) added.

Amended by R.1986 d.50, effective March 3, 1986.

See: 17 N.J.R. 2324(a), 18 N.J.R. 477(c).

(b): No change in text; a revision of the Long Brook and Manasquan River flood hazard delineation was required.

Amended by R.1986 d.51, effective March 3, 1986.

See: 17 N.J.R. 2492(a), 18 N.J.R. 477(d).

(d)53 added.

Amended by R.1986 d.120, effective April 7, 1986.

See: 17 N.J.R. 1176(a), 18 N.J.R. 650(a).

Added (i).

Amended by R.1986 d.122, effective April 7, 1986.

See: 17 N.J.R. 1965(a), 18 N.J.R. 651(a).

(d): Added text "Nomahegan Brook from ... and Clark Townships."

Amended by R.1986 d.123, effective April 7, 1986.

See: 17 N.J.R. 2324(b), 18 N.J.R. 652(a).

Added text in (d)14 "From the Hunterdon-Somerset ... of Ironia Road."

Amended by R.1986 d.125, effective April 7, 1986.

See: 17 N.J.R. 2074(a), 18 N.J.R. 652(b).

(d): Amended the redelineation of Pine Brook, specified in the Plate No. 21.

Amended by R.1986 d.346, effective August 18, 1986.

See: 17 N.J.R. 2186(a), 18 N.J.R. 1700(b).

Added text to (c)29 "Maurice River from ..."

Amended by R.1986 d.460, effective November 17, 1986.

See: 18 N.J.R. 1334(a), 18 N.J.R. 2327(a).

(d)54 added.

Amended by R.1987 d.138, effective March 16, 1987.

See: 18 N.J.R. 1239(a), 19 N.J.R. 449(a).

(b), (d): Revisions to the flood hazard area delineation for the East Branch of the Stony Brook and Tributaries A and B of the South Branch of Rockaway Creek and of Whale Pond Brook.

Amended by R.1987 d.195, effective April 20, 1987.

See: 18 N.J.R. 2169(a), 19 N.J.R. 639(b).

(e): Revised delineated flood hazard areas.

Amended by R.1987 d.196, effective April 20, 1987.

See: 18 N.J.R. 1866(b), 19 N.J.R. 639(c).

(d): Revised delineated flood hazard areas.

Amended by R.1987 d.197, effective April 20, 1987.

See: 18 N.J.R. 1866(a), 19 N.J.R. 639(a).

(d): Maps and associated flood profiles showing the location of the revised delineated flood hazard areas.

Amended by R.1987 d.279, effective July 6, 1987.

See: 18 N.J.R. 2355(a), 19 N.J.R. 1190(c).

(d): Revised maps of flood hazard areas to portions of Wolf Creek, Bergen County.

Amended by R.1987 d.310, effective July 20, 1987.

See: 19 N.J.R. 169(a), 19 N.J.R. 1292(a).

(g)2 added.

Amended by R.1987 d.400, effective October 5, 1987.

See: 19 N.J.R. 1277(a), 19 N.J.R. 1797(a).

(d): Maps and associated flood profiles showing the location of the revised delineated flood hazard areas.

Amended by R.1987 d.487, effective November 16, 1987.

See: 19 N.J.R. 1384(a), 19 N.J.R. 2151(a).

(d): Maps and associated flood profiles showing the location of the unused delineated hazard areas.

Amended by R.1987 d.489, effective November 16, 1987.

See: 19 N.J.R. 489(a), 19 N.J.R. 2150(a).

(d)55 added.

Amended by R.1988 d.79, effective February 16, 1988.

See: 19 N.J.R. 167(b), 20 N.J.R. 391(a).

(d): Maps and associated flood profiles showing the location of the revised delineated flood hazard areas.

Amended by R.1988 d.135, effective March 21, 1988.

See: 19 N.J.R. 1933(a), 20 N.J.R. 644(b).

(d): Maps and associated flood profiles, showing the location of the revised delineated flood hazard areas, may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, NJ and at the Department of Environmental Protection, Bureau of Flood Plain Management, 5 Station Plaza, 501 E. State Street, Trenton, NJ. In addition, maps of the delineations have been sent to the East Windsor Township Clerk and to the Mercer County Planning Board.

Amended by R.1988 d.137, effective March 21, 1988.

See: 19 N.J.R. 1933(b), 20 N.J.R. 645(b).

(d): Maps and associated flood profiles, showing the location of the revised delineated flood hazard areas, may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, NJ and at the Department of Environmental Protection, Bureau of Flood Plain Management, 5 Station Plaza, 501 E. State Street, Trenton, NJ. In addition, maps of the delineations have been sent to the South Brunswick Township Clerk and to the Middlesex County Planning Board.

Amended by R.1988 d.134, effective March 21, 1988.

See: 19 N.J.R. 1934(a), 20 N.J.R. 645(a).

(d): Maps and associated flood profiles, showing the location of the revised delineated flood hazard areas, may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, NJ and at the Department of Environmental Protection, Bureau of Flood Plain Management, 5 Station Plaza, 501 E. State Street, Trenton, NJ. Delineations have been sent to the Township Clerks of East Brunswick, North Brunswick, South Brunswick and Princeton, the Clerk of the Borough of Milltown and to the Planning Boards of Mercer and Middlesex Counties.

Amended by R.1988 d.138, effective March 21, 1988.

See: 19 N.J.R. 1935(a), 20 N.J.R. 644(a).

(d): Redelineation of Hackensack River in Oradell.

Amended by R.1988 d.181, effective April 18, 1988.

See: 19 N.J.R. 2233(a), 20 N.J.R. 898(b).

(b): Redelineation of Jumping Brook.

Amended by R.1989 d.445, effective August 21, 1989.

See: 21 N.J.R. 605(a), 21 N.J.R. 2672(a).

(d): Redelineation of West Branch Rahway River in West Orange.

Amended by R.1989 d.446, effective August 21, 1989.

See: 21 N.J.R. 1046(b), 21 N.J.R. 2671(a).

(d): Redelineation of Ramapo River in Mahwah.

Amended by R.1989 d.501, effective September 18, 1989.

See: 20 N.J.R. 3051(b), 21 N.J.R. 2962(a).

(d): Redelineation of flood hazard area in Bound Brook.

Amended by R.1990 d.319, effective June 18, 1990.

See: 21 N.J.R. 3843(b), 22 N.J.R. 1937(a).

(c): Redelineated Pond Run in Hamilton Township, Mercer County.

Amended by R.1990 d.320, effective June 18, 1990.

See: 21 N.J.R. 3843 (a), 22 N.J.R. 1937(b).

(d): Redelineated Rowe Brook in Tewksbury Township, Hunterdon County.

Amended by R.1991 d.567, effective November 18, 1991.

See: 23 N.J.R. 647(b), 23 N.J.R. 3445(b).

(d): Redelineated South Branch Raritan River.

Amended by R.1991 d.568, effective November 18, 1991.

See: 23 N.J.R. 648(a), 23 N.J.R. 3446(a).

(i): Redelineated Passaic River.

Amended by R.1991 d.569, effective November 18, 1991.

See: 23 N.J.R. 649(a), 23 N.J.R. 3446(b).

(c): Redelineated Lawrence and Heathcote Brooks.

Petition for Rulemaking: Petition for amendment to delineation of floodway.

See: 24 N.J.R. 147(b), 24 N.J.R. 303(c), 24 N.J.R. 1642(b).

Amended by R.1992 d.146, effective April 6, 1992.

See: 23 N.J.R. 647(a), 24 N.J.R. 1333(b).

(h): No change in text; redelineation of Cole Brook.

Amended by R.1992 d.173, effective April 20, 1992.

See: 24 N.J.R. 203(a), 24 N.J.R. 1493(a).

(i): Delineated East Ditch.

Amended by R.1993 d.160, effective April 5, 1993.

See: 24 N.J.R. 4475(a), 25 N.J.R. 1556(a).

(d): Redelineated Green Brook.

Amended by R.2002 d.168, effective June 3, 2002.

See: 33 N.J.R. 1282(a), 34 N.J.R. 1906(a).

Redelineation Deepavall Brook.

Amended by R.2003 d.247, effective June 16, 2003.

See: 34 N.J.R. 2403(a), 35 N.J.R. 2664(a).

Redelineation of Peckman River.

Amended by R.2003 d.345, effective August 18, 2003.

See: 35 N.J.R. 1328(b), 35 N.J.R. 3839(a).

Redelineation of Bound Brook.

Amended by R.2005 d.252, effective August 1, 2005.

See: 36 N.J.R. 4226(a), 37 N.J.R. 2874(a).

Redelineation of Millstone River.

OFFICE OF ADMINISTRATIVE LAW NOTE: Maps and associated flood profiles may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Hamilton Township, New Jersey; and at the Department of Environmental Protection, Bureau of Dam Safety and Flood Control, 5 Station Plaza, 501 E. State Street, Trenton, New Jersey.