

Program may be found on the Division of Parks and Forestry web page at www.nj.gov/dep/parksandforests/natural/heritage or obtained from the Office of Natural Lands Management, Natural Heritage Program at:

Division of Parks and Forestry
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2. A description of the habitat requirements for each species identified in the Natural Heritage Program letter, including citations to appropriate literature and studies;

3. Three copies of a description of the parcel, including, but not limited to:

i. Vegetation, elevation, slope and aspect, and a description of any important topographic features such as cliffs, bluffs and sinkholes on or within 0.25 miles of the boundary of the site;

ii. The geology of the site as described in the most current USGS bedrock geologic maps, a description of bedrock and surficial deposits, and the location and description of any important geologic features such as talus and caves within 0.25 miles from the boundary of the site;

iii. The soil types on the site as most currently classified and mapped by the U.S. Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service and the location and description of any important soil features present within 0.25 miles of the boundary of the site;

iv. The location and a description of all hydrologic features on the site such as rivers, streams, lakes, ponds, springs, seeps, vernal pools and waterfalls, as well as those located within 0.25 miles from the boundary of the site;

v. The location and a description of all evidence of natural or man-made disturbance both on the site and within 0.25 miles from the boundary of the site;

vi. The location and a description of all upland, wetland, and aquatic ecological vegetative communities on the site, based on quantitative data collected during the optimal time(s) of the year using appropriate, scientifically accepted terms of description and analysis techniques. Guidance with regard to appropriate classification systems and techniques may be found in Guidelines for Describing Associations and Alliances of the U.S. National Vegetation Classification by Jennings et al. (2003), The Ecological Society of America — Vegetation Classification Panel, available at: www.vegbank.org/vegdocs/panel/NVC_guidelines_v3.pdf; Ecological Systems of the United States: A Working Classification of U.S. Terrestrial System by Comer et al. (2003),

NatureServe, available at: www.natureserve.org/library/usEcologicalsystems.pdf; and Classification of Vegetation Communities of New Jersey: Second Iteration by Breden et al. (2001), Association for Biodiversity Information and New Jersey Natural Heritage Program, available at: <http://njedl.rutgers.edu/ftp/PDFs/1980.pdf>. For each ecological community identified on the site, the evaluation shall include physiognomy, species composition with a list of the most abundant plant species by strata (canopy tree, subcanopy tree, shrub, vine, herbaceous, bryophyte), a description of successional stage, slope degrees and aspect, geologic substrate (as indicated in the most recent USGS bedrock geologic maps), soil texture and pH (as indicated in the most recent Soil Survey and verified by field sampling), depth to water table (as indicated in the most recent Soil Surveys), and hydrologic influences;

vii. A map showing the location and composition of ecological communities on the site and the location of important topographical, geological and hydrological features identified in (b)3iv above;

viii. The results of threatened or endangered animal species surveys for the purpose of supplementing scientific data regarding the suitability of a particular habitat for a particular species that were conducted in consultation with the Department and in accordance with all Federal and State laws and regulations, including for each species surveyed: the survey method, the surveyor's name(s), dates and times surveys were performed, number of samples, and number of replications;

ix. The names, addresses and professional qualifications of all persons who performed habitat evaluations, and/or species surveys relied upon to support the application for the Habitat Suitability Determination;

x. A copy of any other relevant animal survey or report to which the applicant or their agent has access; and

xi. Any other information relevant to assessing the suitability of habitat on the site for any threatened or endangered animal species.

(c) In making a Habitat Suitability Determination, the Department shall consider as suitable habitat any site that, based on the best available scientific information, provides all of the components necessary to sustain any threatened or endangered animal species, including, but not limited to, nesting or breeding areas, foraging or feeding areas, resting or roosting areas, hibernacula or denning areas, migratory and/or movement pathways, areas necessary for lifecycle completion, or any site that is a part of a larger habitat area that provides all of the components necessary to sustain the threatened or endangered animal species in question. The determination shall be based upon evaluation of the following:

i. The information provided by the applicant under (b) above;

ii. Information available to the Department identifying which, if any, threatened or endangered animal species may have suitable habitat on the site. Such information includes, but is not limited to, the Landscape Maps, Natural Heritage Database, records of documented species occurrences and public comment;

iii. Scientific information related to the life history characteristics and habitat needs of the species;

iv. The results of any animal species surveys done in consultation with the Department and in accordance with the survey procedures at N.J.A.C. 7:7E-3C.4(a) and (b); and

v. The extent to which the site contains the characteristics of suitable habitat for each threatened and endangered animal species, including onsite and adjacent vegetation structure and composition, soil characteristics, wetland characteristics and hydrologic conditions, surrounding land use and disturbance levels, and any other factor that may affect the habitat suitability for any threatened or endangered animal species that are identified as part of on-site inspection(s).

(d) Based on the information provided in (b) above and the Department's analysis at (c) above, the Department will:

1. Issue a letter finding that the parcel is not suitable habitat;

2. Issue a letter finding that the parcel is suitable habitat; or

3. Notify the applicant that seasonal conditions do not permit an accurate assessment of habitat, explain the seasonal conditions involved, and give the applicant the option of either accepting a finding that the site constitutes suitable habitat for that species, or waiting until the Department can determine the suitability of habitat.

New Rule, R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Administrative change.

See: 42 N.J.R. 1373(a).

SUBCHAPTER 6. WATER QUALITY LIMITED SEGMENTS LISTS AND TOTAL MAXIMUM DAILY LOADS

7:15-6.1 Scope and purpose

This subchapter sets forth the processes for identifying and listing water quality limited segments, setting the priorities and schedule for development of total maximum daily loads (TMDLs) to address impairments in water quality limited segments, and for developing TMDLs and plans to implement TMDLs.

7:15-6.2 Listing of water quality limited segments

(a) The Department shall develop lists of water quality limited segments in accordance with the Federal requirements at 40 CFR 130.7(b), incorporated herein by reference; Federal information or guidance concerning the Clean Water Act Section 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions; the USEPA guidance document titled Information Concerning 2008 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions – Diane Regas – October 12, 2006 (available at <http://www.epa.gov/owow/tmdl/policy.html>) incorporated herein by reference, as amended and supplemented; and pursuant to the process set forth in (b) through (g) below.

(b) The Department has developed and shall, from time to time, revise a document known as the Integrated Water Quality Monitoring and Assessment Methods document in accordance with 40 CFR 130.7(b)6 that sets forth assessment methods used to develop the List of Water Quality Limited Segments required by Section 303(d) of the Federal Clean Water Act (33 U.S.C. §1313(d)).

(c) The Department shall publish a notice in the New Jersey Register and on its website <http://www.state.nj.us/dep/wms/bwqsa/generalinfo.html> to solicit water quality data to be considered in the development of the List of Water Quality Limited Segments.

(d) The Integrated Water Quality Monitoring and Assessment Methods document describes:

1. The quality assurance requirements for data used to evaluate water quality and support of designated uses;

2. The methods used to evaluate water quality data, assess water quality standards attainment and identifying water quality limited segments; and

3. The basis for assigning the priority for development of TMDLs for the waterbody and pollutant combinations identified on the List of Water Quality Limited Segments, also known as the 303(d) list.

(e) The Department shall publish a notice in the New Jersey Register and on its website to provide the public with the opportunity to provide comment on revisions to the Integrated Water Quality Monitoring and Assessment Methods Document prior to applying the revised assessment methods in developing the next List of Water Quality Limited Segments in (f) below.

(f) The Department shall revise, on a biennial basis, the List of Water Quality Limited Segments in accordance with the Integrated Water Quality Monitoring and Assessment Methods in effect at that time. The list shall indicate those water quality limited segments that are scheduled for the development of TMDLs while the list is in effect.

(g) The Department shall propose the List of Water Quality Limited Segments as an amendment to the Statewide