



## U.S. Fish & Wildlife Service

U.S. Fish & Wildlife Service  
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<https://www.fws.gov/office/new-jersey-ecological-services>

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# Protecting New Jersey's Wetlands

## *Conserving Wildlife by Protecting Wetland Habitats*

Long Savanna, Batsto Natural Area, Wharton State Forest

Photo Gene Nieminen / USFWS, NJFO

### *New Jersey's Wetland Resources*

Wetlands are areas where water is at or near the surface of the soil during at least part of the year. Wetlands can be called swamps, marshes, or bogs, depending on the kinds of plants that dominate. For decades, wetlands were regarded as wastelands and were drained or filled to make way for agriculture or development. Like most of the other states in the Nation, New Jersey has lost about half of its original wetland area. Fortunately, over the last 50 years, scientists, elected officials, and ordinary citizens have realized that wetlands provide valuable services to society and warrant protection. Wetlands filter pollutants from our waters, protect our homes and businesses by storing flood waters, and provide habitats for a diverse and abundant array of fish, wildlife, and plants. New Jersey's 613,500 acres of freshwater wetlands and 289,500 acres of saltwater wetlands are now protected under federal and State laws. The U.S. Fish & Wildlife Service (Service) assists the federal and State agencies that oversee these laws, to help conserve the plants and animals that depend on New Jersey's wetlands for their survival.

### *Laws Protecting Wetlands in New Jersey*

The Clean Water Act was passed in 1972 with the goal of restoring and maintaining the quality of our Nation's waters. Section 404 of the Clean Water Act regulates the placement of soil, sand, and other fill materials into waters of the United States, including wetlands. The Clean Water Act directs the U.S. Army Corps of Engineers (Corps) to administer a permitting system for activities in wetlands. The Corps' New York District administers wetland permitting in tidal portions of northern New Jersey (Hudson/Raritan and other Atlantic Coast watersheds), while the Corps' Philadelphia District regulates tidal wetlands in central and southern New Jersey and the Delaware River watershed.

In 1994, under provisions of the Clean Water Act, the New Jersey Department of Environmental Protection (NJDEP) took over permitting responsibilities from the Corps for most of New Jersey's freshwater, non-tidal wetlands. The Corps and the State have joint jurisdiction over tidal wetlands, as well as freshwater wetlands in the Hackensack Meadowlands and along the Delaware River. The U.S. Environmental Protection Agency (EPA) oversees both the federal and State wetland programs in New Jersey.

Individuals, companies, and governments must apply to the Corps and/or to the NJDEP for permits if they wish to conduct activities in New Jersey's wetlands or open waters. Examples of projects that often require permits include dredging; shore protection; docks, piers, and moorings; roads, railroads, and bridges; electric, phone, and pipelines; and construction of new homes or business facilities. The Service reviews applications for wetland permits and recommends methods to avoid, minimize, or compensate for negative impacts on wildlife.

### *Why Is the U.S. Fish & Wildlife Service Involved in Wetlands Regulation?*

New Jersey's wetlands support a wealth of wildlife resources. Of the 15 federally listed threatened and endangered species in New Jersey under the Service's jurisdiction, about half depend directly on wetlands, including bog turtles (*Glyptemys muhlenbergii*) and eastern black rail (*Laterallus jamaicensis jamaicensis*). Forested wetlands, or swamps, provide nesting habitat for many species of migratory song birds. Coastal marshes are among the most productive ecosystems on earth, providing homes to waterfowl and wading birds, and nurseries to juvenile fish and shellfish.

**The mission of the U.S. Fish & Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.**



Hackensack Meadowlands

Photo Gene Nieminen / USFWS, NJFO



These wetland-dependent wildlife resources enhance not only quality of life but local economies too; wildlife watchers, hunters, and fishermen spent over \$2 billion in New Jersey in 2001.

Working with others, the Service is mandated to conserve these wildlife resources for the continuing benefit of the American people. In partial fulfillment of this mandate, the Service reviews wetland permit applications and makes recommendations to protect wildlife. The Service's reviews focus on federal trust fish and wildlife resources, which include migratory birds and fish, certain marine mammals, federally listed endangered and threatened species, and wild living resources on federal lands. Additionally, the Service emphasizes protection of priority wetlands designated under the Emergency Wetlands Resources Act, and focus areas designated under the North American Waterfowl Management Plan.

### *The U.S. Fish & Wildlife Service's Role in Federal Wetland Permitting*

The Fish and Wildlife Coordination Act provides the Service an opportunity to review projects requiring Corps permits. The Service provides comments and recommendations to the Corps and coordinates with the National Marine Fisheries Service, the EPA, and the applicant. The Service encourages project planners to coordinate with the Service and other federal agencies as early as possible to identify and minimize potential adverse impacts to fish and wildlife.



**Bog Asphodel (*Narthecium americanum*) in a Pine Barrens wooded wetland**

Photo Gene Nieminen / USFWS, NJFO

### *The U.S. Fish & Wildlife Service's Role in State Wetland Permitting*

The New Jersey Freshwater Wetlands Protection Act requires a permit from the NJDEP for activities in freshwater, non-tidal wetlands. The Service, the EPA, and the NJDEP have entered into an agreement that requires Service review of permit applications for all projects that may affect federally listed endangered or threatened species. The Service also reviews State enforcement actions if unauthorized work in wetlands may have affected federally listed species.

In addition, the Service reviews State permit applications that require federal oversight by the EPA, under the rules of the Clean Water Act. For example, federal oversight and Service review are required for proposals to fill 5 or more acres of wetlands, or to harden (e.g. bulkhead or rip rap) 500 or more feet of a stream channel.

### *Guiding Principals: Avoid, Minimize, Compensate*

The Service follows its Mitigation Policy when developing recommendations to protect wildlife from permitted activities in wetlands. The Service's Mitigation Policy urges applicants to follow a specific sequence of steps in project planning: first avoidance, then minimization, and finally compensation for environmental impacts. This sequence is also required by the Clean Water Act rules, and other federal and State regulations.

Applicants can avoid project impacts by locating a project outside of wetlands, and away from sensitive wildlife habitats. If some impacts are unavoidable, the Service may recommend ways to minimize negative effects, such as reducing the project size, changing the project configuration, or scheduling work to avoid sensitive times such as wildlife breeding seasons. If unavoidable effects remain, the applicant may be required to compensate, usually through the creation or restoration of wetlands similar to those affected by the project. By following these sequential steps and concentrating on the most valuable fish and wildlife habitats, the Service ensures that its recommendations to protect New Jersey's wetlands and wildlife are consistent and workable.



**Swamp pink (*Helonias bullata*)**

Photo Gene Nieminen / USFWS, NJFO

### *Outlook*

New Jersey has lost considerable wetland resources since our Nation's birth. Our remaining wetlands are vital to water quality, flood control, and fish and wildlife. New Jersey's wetlands contribute to our quality of life, and to our local economies that rely on tourism and outdoor recreation. Through the federal and State wetland permitting programs, we can work together toward economic development while protecting New Jersey's wetland resources.

### *For further information, please contact:*

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**Bog turtle (*Glyptemys muhlenbergii*)**

Photo New Jersey Division of Fish and Wildlife