

# State of New Jersey

## Dept. of Environmental Protection

- Commissioner: Bob Martin
- Assistant Commissioner for Environmental Regulation: Virginia KopKash
- Division of Land Use Regulation
- Assistant Director for Technical Services: Madhu Guru
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# Assumable Waters

- All waters of the United States, as defined at 40 C.F.R. Section 232.2(q), within the State of New Jersey will be regulated by NJDEP as part of their State Program, with the exception of those waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary highwater mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, including wetlands adjacent thereto. **For the purposes of this agreement, the Corps will retain regulatory authority over those wetlands that are partially or entirely located within 1000 feet of the ordinary high water mark or mean high tide of the Delaware River, Greenwood Lake, and all water bodies which are subject to the ebb and flow of the tide.**

# Assumable Waters continued

- State waters will generally be determined by superimposing Head of Tide data on the State's freshwater wetlands quarter quadrangles which are at a scale of one inch equals 1000 feet. A line will be established parallel to and 1000 feet from the ordinary high water mark or mean high tide of the waters described above. The Corps will retain jurisdiction over all wetlands which are waterward of, or intersected by, the jurisdictional line described above.

# Assumable Waters conclusion

- Because the State regulates all wetlands/waters, it rarely has to determine whether a wetland is assumable or non-assumable but that is easy to determine. If there is any question and/or a reason that it makes a difference to an applicant, the State either adds a permit condition informing the applicant and/or contacts the ACOE in advance to determine whether they will or will not assert jurisdiction.

# New Jersey Unassumed Waters

