

55-298. WETLANDS. [Amended 4-3-89 by Ord. No. 1989-8; 6-5-89 by Ord. No. 1989-14; 4-5-93 by Ord. No. 1993-8]

Development shall be prohibited in all wetlands and wetlands transition areas in the Pinelands Area except as provided below:

- A. Horticulture of native Pinelands species and berry agriculture shall be permitted in all wetlands subject to the requirements of § 55-299. Beekeeping shall be permitted in all wetlands.**
- B. Forestry shall be permitted in all wetlands subject to the requirements of § 55-292.**

LU-1936

Rev. Ord. Supp. 9/01

- C. Fish and wildlife management activities shall be permitted in all wetlands provided that the management activity does not have a significant adverse impact as set forth in paragraph G. of this section on the wetland in which the activity is carried out; and provided that the activity conforms to all State and Federal regulations. On a case by case basis, fish and wildlife management proposals shall be evaluated relative to the scientific research value of the proposal.
- D. Low intensity recreational uses which do not involve use of a structure, including hunting, fishing, trapping, hiking, boating, and swimming, and other low intensity recreational uses provided that any development associated with those other uses does not result in a significant adverse impact on the wetland as set forth in paragraph G. below.
- E. Bridges, roads, trails and utility transmission and distribution facilities and other similar linear facilities shall be permitted in wetlands provided that:
- (1) There is no feasible alternative route or site for the facility that does not involve development in a wetland or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist;
 - (2) The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;
 - (3) The use represents a need which overrides the importance of protecting the wetland;
 - (4) Development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and
 - (5) The resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively

LU-1937

based on the existence of special and unusual circumstance.

- F. No development, except for those uses which are specifically authorized in this section shall be carried out within three hundred (300) feet of any wetland, unless the applicant has demonstrated that the proposed development will not result in a significant adverse impact on the wetland, as set forth in paragraph G. of this section.
- G. A significant adverse impact will be deemed to exist where it is determined that one or more of the following modifications of a wetland will have an irreversible effect on the ecological integrity of the wetland and its biotic components, including, but not limited to, threatened or endangered species of plants or animals:
- (1) An increase in surface water runoff discharge into a wetland.
 - (2) A change in the normal seasonal flow patterns in the wetlands.
 - (3) An alteration of the water table in the wetland.
 - (4) An increase in erosion resulting in increased sedimentation in the wetland.
 - (5) A change in the natural chemistry of the ground or surface water in the wetland.
 - (6) A loss of wetland habitat.
 - (7) A reduction in wetland habitat diversity.
 - (8) A change in wetlands species composition.
 - (9) A significant disturbance of areas used by indigenous and migratory wildlife for breeding, nesting, or feeding.
- H. Determinations under paragraph G. above shall consider the cumulative modifications of the wetland due to the development being proposed and any other existing or potential development which may affect the wetland.