



Category 1 Waterways and Land Protection in Montvale

For many years the New Jersey Department of Environmental Protection (NJDEP) has been adding layers of protection to waterways and wetlands throughout the state in order to improve degrading water quality and the overall environment

The NJDEP created designations and related regulations for waterways and specific natural resources, such as wetlands. These regulations limit development which would impair or destroy valuable natural resources and/or degrade water quality. Preserving the integrity of specific waterways and ecosystems is vital to maintaining the quality of our water and the environment that requires it.

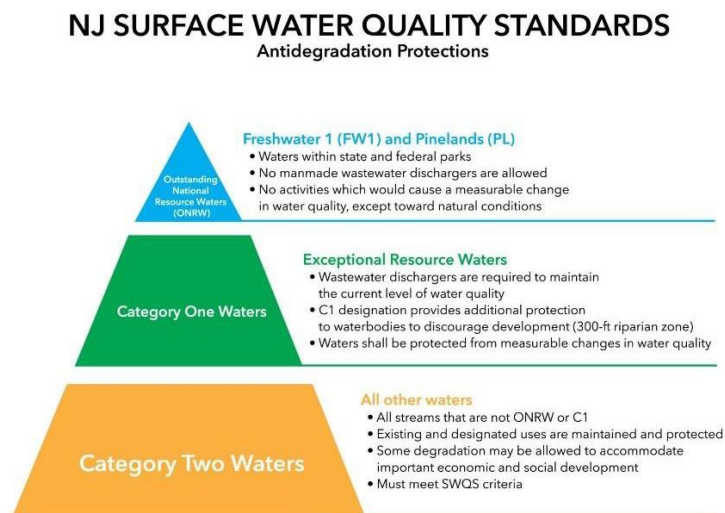


FIGURE 1 - NJDEP 3-Tier Protection System*

The NJDEP uses a three-tiered system to categorize waterway protection:

- **Outstanding Natural Resource Waters.** These waterways, many in the Pinelands National Reserve, are set aside in their natural state for posterity.
- **Category One (C1) waterways** are noted for their exceptional ecological, water supply, recreation, and/or fisheries values. Over 7,400 miles of waterways in New Jersey are now designated as Category One waterways, including **11 right here in Montvale.**

For some time, C1 waterways and surrounding land has been protected under the Flood Hazard Area Control Act https://www.nj.gov/dep/landuse/fha_main.html. More recently the NJDEP added rules to specifically improve water quality and protect against flood damage by protecting undeveloped areas surrounding C1 waterways.

- **Category 2 (C2) waterways** are those waterways that are not designated as Outstanding Natural Resource Waters or Category One.

What's the value of protecting Category One Waterways?

C1 water quality is important to residents for many reasons including:

- drinking water sources
- recreation
- fishing
- habitats for wildlife

Where are protected Category One (C1) Waterways in Montvale?

The Borough of Montvale is unique in that we currently have 11 Category 1 protected waterways. This protection includes all tributaries off of these waterways, and we have many including Huff Pond.

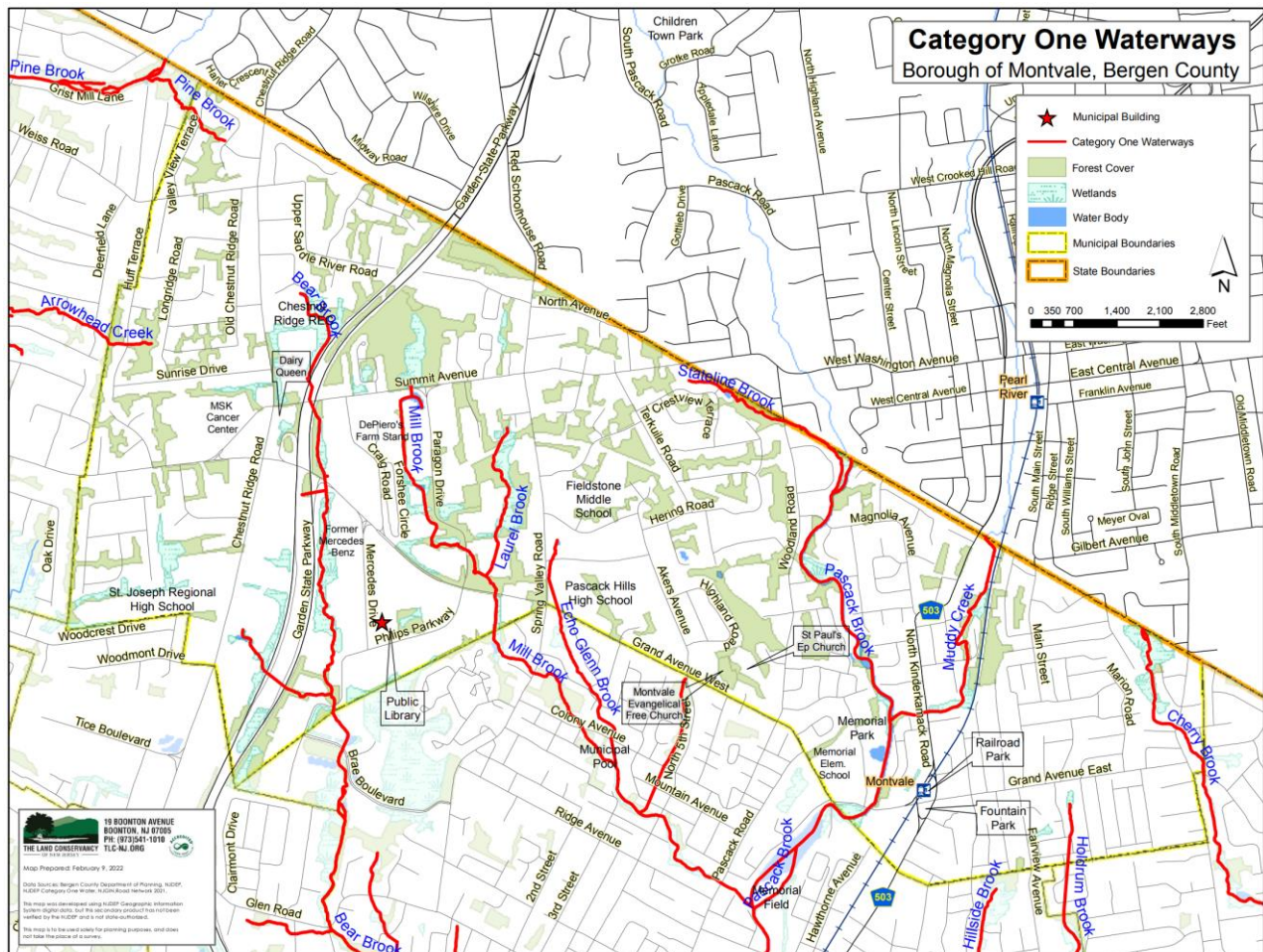


Figure 2 - Montvale Contains Eleven DEP Category 1 Waterways

As of 2023 the Category 1 waterways in Montvale include:

- 1) Arrowhead Creek
- 2) Pine Brook
- 3) Bear Brook
- 4) Mill Brook
- 5) Laurel Brook
- 6) Echo Glenn Brook
- 7) Stateline Brook
- 8) Pascack Brook
- 9) Muddy Creek
- 10) Holdrum Brook
- 11) Cherry Brook

What kinds of waterway regulations are do we have here in Montvale?

There are two distinct and overlapping NJDEP areas of jurisdiction:

1. The flood hazard area rules
2. The riparian zone rules

Protected areas around large development areas are called Special Water Resource Protection Areas or SWRPA. Under the flood hazard rules a SWRPA is the 300-foot area on each side of a surface water body designated as a C1 water, or tributary to a C1 water that is a perennial stream, intermittent stream, lake, or pond. These areas are designated on the USGS quadrangle map or in the County Soil Surveys.

More recent rules intended to limit all C1 disturbance introduce a 300-foot buffer around along ALL C1 waterways called a “riparian zone”. A SWRPA and a riparian zone often overlay each other so currently handled under different rules yet DEP proposals are progressing to merge them.

Riparian zone regulations are intended to limit disturbances to the vegetation adjacent to a watercourse. Vegetation that grows along the banks and in the riparian zone of a waterway is essential for maintaining bank stability and water quality. Disturbance of this vegetation can destabilize the banks of waterways, leading to increased erosion and sedimentation that increases the intensity and frequency of flooding.

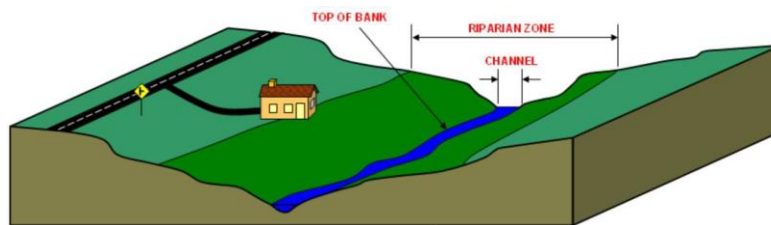


Figure 3 – DEP Regulated Riparian Zones*

Published DEP research has shown that vegetated riparian zones reduce adverse impacts to water quality so limited new construction is allowed in these areas.

What does this mean to Montvale?

Having 11 C1 waterways here in Montvale, spanning over 7 miles in length over 20% of the land in Montvale falls under DEP Category 1 regulations¹, not including Freshwater Wetlands which are also protected under separate NJDEP regulations discussed below. The NJDEP does accommodate for maintaining existing construction as well as minor necessary disturbances.

¹Protected C1 Land = 7mi * 5280ft/mi length * 650ft width = 24M sq ft
(24M sq ft protected land)/(112M sq ft total Borough land)*100 = 21.4%

Freshwater Wetlands in Montvale

Freshwater wetlands are also found throughout Montvale and carry related but different NJDEP regulations. Wetlands were once considered worthless swampland but today are recognized for their vital contributions.

In 1987 wetlands and surrounding land became protected by the New Jersey Department of Environmental Protection (NJDEP) to "preserve the purity and integrity of freshwater wetlands from random, unnecessary or undesirable alteration or disturbance". This protection was put in place after loss of over 50% of wetlands in New Jersey. Wetlands including a dry land buffer up to 150ft around wetlands carry strict limits on what you can do on that land. These regulations expand well beyond construction and include tree cutting and dumping of leaves and debris.

For information specifically regarding NJ freshwater wetlands please see the information the Montvale Environmental Commission published [HERE](#) or at the NJDEP wetland page found [HERE](#).

Do I have protected land and/or waterways on my property?

If your property is within 300 feet of a waterway in Montvale, or you have land nearby that remains wet for at least part of the year, you likely have regulated property. The best way to find out about the location of these regulated lands is to find your property on one of the NJDEP and/or Federal GIS mapping tools and observe local associated waterways and/or tributaries.

Here are a NJDEP GIS mapping tools you can use to observe your property and any nearby land C1 waterways and/or wetlands:

<https://www.nj.gov/dep/gis/geoweb splash.htm>

Here are a Federal mapping tools you can use to observe your property and nearby restrictions:

<https://maps.waterdata.usgs.gov/mapper/index.html>

What does this mean for me/my property?

If your property is within 300 feet of a waterway, or you have land nearby that remains wet for at least part of the year, you likely have regulated property which likely requires a permit before any construction, tree or vegetation removal, or any type of land disturbance. You should inform all contractors who might disturb that land outside of your house before they start any work, including architects, landscapers, and builders. If a violation of NJDEP regulations takes place, the property owner may receive violations which can carry significant fines and additional restrictions.

For more information about Category 1 waterway regulations visit the NJDEP page at https://www.nj.gov/dep/landuse/fha/fha_rz.html

For more information regarding NJ freshwater wetlands see the NJDEP page at https://www.nj.gov/dep/landuse/fww/fww_main.html and the Montvale Environmental Website at <https://montvale.org/boards/environmental>

How can we help to protect these waterways and surrounding land in Montvale?

The best way to help is to understand the rules and share them with others. The NJDEP asks us all to watch out for violations and inform them so they may take appropriate actions. If you see something that might result in a violation, let them know by calling them anonymously at 1-800WARNDP (1-800-927-6337) 24/7.

Even though the NJDEP rules regarding Category 1 waterways have been in place for many years, many are still not aware of their responsibilities and in some cases liabilities when it comes to regulated activity. The rules are strict and penalties for violations can be significant.

It is everyone's responsibility as property owners to understand the rules and regulations that govern our properties.

Bottom line is that we have a lot of highly regulated land in Montvale so residents and contractors must be aware of the protected lands on and around our property to ensure we comply with State regulations. If you have any question about NJDEP land use rules that govern wetlands or category 1 waterways, resources are available to answer your questions.

For more information: https://www.nj.gov/dep/newsrel/2020/20_0013.htm

To contact the NJDEP with any questions or concerns please call them at 1-800-927-6337 or 1-800 WARNDP

*Credit: New Jersey Department of Environmental Protection