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cc: Adm.
Plan.
Eng.

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

Mr. Thomas Auffenorde
EcolSciences, Inc.
75 Fleetwood Drive – Suite 250
Rockaway, New Jersey 07866

MAR 04 2009

RE: Letter of Interpretation-Line Verification
File No.: 1427-08-0007.1 (FWW 080001)
Applicant: RG-Waterloo, L.L.C.
Block: 106; Lot: 2
Mount Olive Township, Morris County
Nearest Waterway: Morris Canal
Musconetcong River Watershed



Dear Mr. Auffenorde:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and/or waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation (Division) is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by staff of the Division on February 13, 2009, the Division has determined that **the wetlands and waters boundary lines as shown on the plan map entitled: "Wetland Survey of Lot 2, Block 106, Township of Mount Olive, Morris County, New Jersey", Sheet No. 1 of 1, dated October 14, 2008, unrevised, and prepared by Chester, Ploussas, Lisowsky Partnership, LLP, are accurate as shown.**

Any activities regulated under the Freshwater Wetlands Protection Act (FWPA) proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the FWPA, N.J.S.A. 13:9B -1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of these plans, together with the

information upon which this boundary determination is based, has been made part of the Division's public records.

Pursuant to the FWPA rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a **period of five years** from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above LUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Lines as verified by NJDEP."

In addition, the Department has determined that the wetlands on and adjacent to the subject property are classified as **Intermediate** resource value. The standard transition area required adjacent to Intermediate resource value wetlands is 50 feet. State open waters are also located adjacent to the subject property, between points "SOW#1" through "WL#11". There are no standard transition areas required adjacent to State open waters under the FWPA rules. However, a riparian buffer may be required in accordance with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the FWPA (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under N.J.S.A. 13:9B-7a(2), if the Department has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division of Land Use Regulation, P.O. Box 439, Trenton, New Jersey 08625.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ

08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Susan Michniewski of our staff at (609) 777-0454 or susan.michniewski@dep.state.nj.us should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Daniel Bello, Principal Environmental Specialist
Central Region
Bureau of Inland Regulation

Attachment (hearing request checklist)

c: Leslie Smith (Rock-Miramar Inc., 1221 Avenue of the Americas, New York, New York, 10021)
Mount Olive Township Construction Official