



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
Mail Code 501-02A, P. O. Box 420
Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

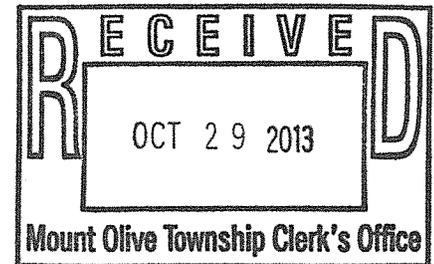
BOB MARTIN
Commissioner

cc: Admin
Eng.
Plan
Map on file in
Clerks Office

OCT 21 2013

Mr. Anthony Gianforcaro
Gianforcaro Architects, Engineers and Planners
555 East Main Street
Chester, N.J. 07930

RE: Letter of Interpretation: Line Verification for a Portion of a Site
File No.: 1427-04-0018.2, FWW 130001
Applicant: Gianforcaro Architects, Engineers and Planners
Project Name: Mt. Olive High School
Block: 7600; Lot: 86 (portion)
Mount Olive Township, Morris County



Dear Mr. Gianforcaro:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on a portion of the referenced property, and not the entire site.

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, the Division is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain 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 a site inspection conducted by staff of the Division on June 18, 2013, the Division has determined that the wetlands and waters boundary lines as shown on the plan map entitled: **"Mt. Olive High School, Corey Road, Block 7600, Lot 86 (portion), Township of Mount Olive, Morris County, New Jersey, Wetland Delineation Plan"**, Sheet No. S-4, dated November 4, 2012, last revised August 7, 2013, and prepared by VS Land Data, is accurate as shown.

Wetlands Resource Value Classification ("RVC")

Exceptional: A-1 through A-16. [150 foot wetland buffer]

Intermediate: B-1 through B-4 (including B-3A and B-4A). [50 foot wetland buffer]

State Open Water: SOW1-C through A-3; SOW1-B through A-4. [No wetland buffer]

The wetlands are classified as Exceptional resource value because they drain to trout production waters. The Intermediate resource value wetland is isolated as it is not connected to a surface water tributary system. In addition, waters regulated under the Flood Hazard Area Control Act (FHACA) rules at N.J.A.C. 7:13-1.1 et seq. are present within the LOI area. It should be noted that these waters will require a riparian buffer under the FHACA rules. RVC may affect requirements for wetland and/or transition area permitting. 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 property (see N.J.A.C. 7:7A-4) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Please be advised that according to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), a 300-foot special water resource protection area shall be established along all waters designated Category One and perennial or intermittent streams that drain into or upstream of Category One waters as shown on the United States Geological Survey (USGS) Quadrangle Maps or in the County Soil Surveys, within the associated hydrologic unit code (HUC) 14 drainage area. Depending upon the extent of any proposed development or disturbance of the property, this 300-foot buffer may apply to the State open water located within the LOI area as this is a Category one waterway.

Wetland resource value classifications are based on the best information available to the Department. The classifications are subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division 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 at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act (FWPA) rules, you are entitled to rely upon this jurisdictional determination for a **period of five years** from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.6 of the FWPA rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.8. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site, including the sidewalk that has been placed across the State open water at points SOW4-C through SOW5-A and SOW4-D through SOW5-B. That activity is regulated under the FWPA and FHACA rules; however, the necessary permits were not obtained. The Department's Bureau of Coastal and Land Use Compliance and Enforcement is copied on this letter for appropriate action.

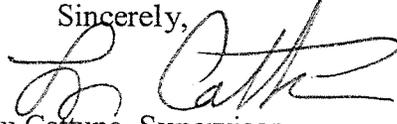
This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Appeal Process

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 of the date 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, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information on this process.

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

Sincerely,



Lou Cattuna, Supervisor
Division of Land Use Regulation

- c: Agent (original – with plan)
- Mt. Olive Township Clerk (with plan)
- Mt. Olive Township Construction Official (with plan)
- Mt. Olive Township Board of Education (89 Route 46, Budd Lake, NJ 07828 – with plan)
- David Sumba, BCLUCE – Highlands Office (with plan)