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# 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](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*  
  
KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

APR 10 2014

Mr. Kevin Dorlon  
43 Flocktown Rd.  
Long Valley, N.J. 07853

RE: Freshwater Wetlands Letter of Interpretation: Line Verification  
File No.: 1427-09-0005.1, FWW 130001  
Applicant: Kevin Dorlon  
Block: 8500; Lot: 19  
Mount Olive Township, Morris County

Dear Mr. Dorlon:

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 State open 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, 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 December 27, 2013, the Division has determined that **the wetlands and waters boundary lines as shown on the plan map entitled: "Wetland Delineation Plan for: Lot 19, Block 8500, Township of Mount Olive, Morris County, New Jersey"**, consisting of one sheet, dated November 19, 2013, last revised March 18, 2014, and prepared by Civil Engineering, Inc., is accurate as shown.

Wetlands Resource Value Classification ("RVC")

Intermediate: A-4 through A-6. [50 foot wetland buffer]

State Open Water: The area identified as "State open water" on the referenced plan. [No wetland buffer]

RVC may affect requirements for wetland and/or transition area permitting. In addition, State open waters are present on the property as depicted on the referenced plan. There are no standard transition areas required adjacent to State open waters under the Freshwater Wetlands Protection Act rules. However, a riparian buffer is required in accordance with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13. These classifications 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.

Wetlands resource value classification is based on the best information available to the Department. The classification is 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 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 Freshwater Wetlands Protection Act 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.

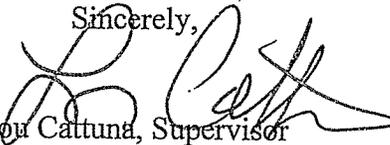
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless 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](http://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](http://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](http://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](mailto:susan.michniewski@dep.state.nj.us) or by telephone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Lou Caltuna, Supervisor

Division of Land Use Regulation

- c: Municipal Clerk  
Municipal Construction Official  
Agent (original)