



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

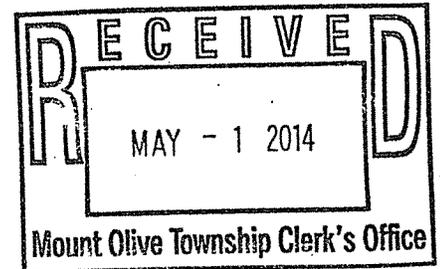
BOB MARTIN
Commissioner

done see Admin Plan
Shilly
Jg Eng.

APR 17 2014

Mr. Kevin Costello
Flanders Road Partners, LLC
7 North Willow St., Suite 8B
Monclair, N.J. 07042

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1427-13-0006.1, FWW 130001
Applicant: Flanders Road Partners, LLC
Block: 4400; Lot: 3
Mount Olive Township, Morris County



Dear Mr. Costello:

This letter is in response to your request for a Letter of Interpretation to have staff of the Division of Land Use Regulation (Division) verify the boundary of the freshwater wetlands 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 April 14, 2014, the Division has determined that the wetlands boundary line as shown on the plan map entitled: "Wetlands Delineation Plan For: Lot 3, Block 4400, "Centercourt at Mount Olive", Township of Mount Olive, Morris County, New Jersey", Sheet No. 1 of 1, dated November 19, 2013, unrevised, and prepared by Civil Engineering, Inc., is accurate as shown.

Wetlands Resource Value Classification ("RVC")

Exceptional: A-1 through A-25 [150 foot wetland buffer]

The wetlands are classified as Exceptional resource value because they drain to trout production waters and are a documented and suitable habitat for endangered and/or threatened species. RVC may affect requirements for wetland and/or transition area permitting. In addition, State open waters are present within the wetland areas on or adjacent to the property. 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. The RVC 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 Division. 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/or 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. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

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.

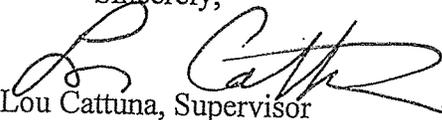
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. On April 14, 2014, staff of the Division noted that **unauthorized regulated activities have occurred** within wetlands and transition areas. Specifically, staff observed the following: 1) Brush/limb/wood/concrete debris within the wetlands between points A-18 and A-21; 2) Brush/limb debris within the 150-foot transition area from point A-22; 3) A soil pile and concrete block pile within the 150-foot transition area from point A-22; 4) An asphalt fill pile in the 150-foot transition area from point A-17; and, 5) Concrete block and sand fill within the wetlands between points A-13 and A-14. **These areas need to be restored through removal of the unauthorized fill materials.** In addition, no further fill materials shall be placed within the regulated areas without prior authorization by the Department.

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 Division's file number in all communication.

Sincerely,



Lou Cattuna, Supervisor

Division of Land Use Regulation

c: Municipal Clerk
Municipal Construction Official
Agent (original)
Tanya Hatten, Bureau of Coastal & Land Use Compliance & Enforcement – Highlands Office

