



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

done 7/29/13
Adm. plan

BOB MARTIN
Commissioner

JUL 18 2013

Mount Olive Township Board of Education
89 Route 46
Budd Lake, N.J. 07828

RE: Letter of Interpretation Determination: Three Footprints of Disturbance
File No.: 1427-13-0001.1 (FWW 130001, FWW 130002, and FWW 130003)
Applicant: Mount Olive Township Board of Education
Block: 7100; Lot 67
Mount Olive Township, Morris County

JUL 29 2013

To Whom It May Concern:

This letter is in response to your request for a Letter of Interpretation from the Division of Land Use Regulation (Division) indicating the presence or absence of freshwater wetlands and/or waters within three areas of proposed disturbance and not the entire block and lot.

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 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 July 10, 2013, the Division has determined that freshwater wetlands and/or State open waters are not present within the three areas of disturbance labeled as "FOD Area #1", "FOD Area #2", and "FOD Area #3" as shown on the site plan prepared by Hammer Land Engineering, entitled "The Morris County Renewable Energy Projects, Tinc School, 24 Tinc Road, Flanders, NJ 07836, Tax Block 7100, Lot 67", dated March 6, 2013, unrevised. In addition, the Department has determined that no part of the three areas of disturbance occur within a transition area or buffer as designated in N.J.A.C. 7:7A-2.5(d) and (e).

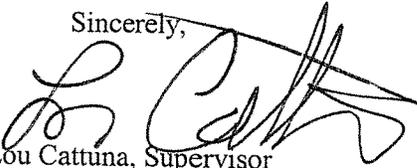
In addition, the Division has determined that a portion of the areas of disturbance is located within a regulated area under the Flood Hazard Area Control Act Rules. However, it appears that the proposed activities would qualify for a permit-by-rule in accordance with N.J.A.C. 7:13-7.2. For a formal determination, the applicant may request a Flood Hazard Area Applicability Determination from the Division.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a **period of five years** from the date of this letter. This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal 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 which can be downloaded at www.state.nj.us/dep/landuse/forms. The DEP bulletin is available through the Department's website at www.state.nj.us/dep/bulletin.

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,

A handwritten signature in black ink, appearing to read 'Lou Cattuna', written over a horizontal line.

Lou Cattuna, Supervisor
Division of Land Use Regulation

- c: (with plan)
Agent (with original)
Mt. Olive Township Clerk
Mt. Olive Township Construction Official