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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

CHRIS CHRISTIE
Governor

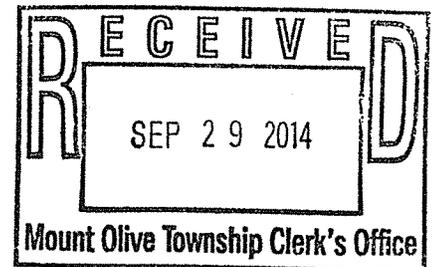
KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

SEP 19 2014

Mr. Hal Simoff
Mount Olive Center Associates, LLC
2 Shunpike Road
Madison, N.J. 07940

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1427-02-0018.3, FWW 140001
Applicant: Mount Olive Center Associates, LLC
Block: 4100; Lots: 80, 83 and 84
Mount Olive Township, Morris County



Dear Mr. Simoff:

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 boundaries 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 site inspections conducted by staff of the Division on March 31, 2014 and April 14, 2014, the Division has determined that the wetland boundary lines as shown on the plan map entitled: "Mount Olive Center Associates, Lots 80, 83 & 84, Block 4100, Township of Mount Olive, Morris County, New Jersey, Wetlands Location Map", Sheet No. 1 of 1, dated November 13, 2013, last revised April 30, 2014, and prepared by Kurt T. Hanie of Gladstone Design, Inc., are accurate as shown.

Wetlands Resource Value Classification ("RVC")

Exceptional: W1.1-E through W22.1-E; E23.1 through E27; WO-B through W28.1-B; D1 through D8 (including W5-D through W7-D); and W1-C through W7-C. [150 foot wetland buffer]

Intermediate: DEP1 through DEP10 (including points A8 and A11); X1 through X14; and F1 through F6. [50 foot wetland buffer]

The wetlands noted above are classified as Exceptional resource value because they are a documented and suitable habitat for endangered and/or threatened species. With the exception of the wetland area denoted by points W1.1-E through W22.1-E, and E23.1 through E27, the wetlands on the property are isolated as they do not drain to any surface water tributary system. In addition the following areas have been certified as vernal habitats as defined at N.J.A.C. 7:7A-1.4: DEP1 through DEP10 (including points A8 and A11); X1 through X14; W1-C through W7-C; WO-B through W28.1-B; and D1 through D8 (including W5-D and W7-D). 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.

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.

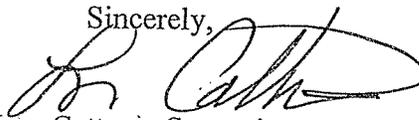
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless 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. 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.nj.gov 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 Cattuna, Supervisor
Division of Land Use Regulation

- c: Mount Olive Township Clerk
Mount Olive Township Construction Official
Agent (with original)