Mr. Keith E. Morris, Vice President
Morris Mount Olive Associates, LLC
350 Veterans Boulevard
Rutherford, NJ 07070

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1427-04-0014.2, FWW 170001
Applicant: Morris Mount Olive Associates, LLC
Block: 400; Lots: 1 and 2
Block: 500; Lots: 2 and 3
Mount Olive Township, Morris County

Dear Mr. Morris:

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 (USACOE), and the U.S. Environmental Protection Agency (USEPA), 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 November 9, 2017, the Division has determined that the wetlands boundary lines as shown on the plan maps entitled: “Wetland Location Plan for Lots 1 & 2, Block 400, Lots 2 & 3, Block 500, Waterloo Road, Situate in Township of Mount Olive, Morris County, New Jersey”, Sheet Numbers 1 and 2 of 2, dated September 27, 2017, last revised December 6, 2017, and prepared by Michael F. Burns, P.L.S., of Maser Consulting, are accurate as shown.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above DLUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."
Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

**Exceptional:** MC-1 to MC-8; G-4 to G-8; G-11 to G-30; F-8 to F-25; B-1 to B-4; B-9 to B-16; A-1 to A-17; and the unnumbered off-site wetlands north of Waterloo Valley Road. [150-foot wetland buffer] The wetlands are classified as Exceptional Resource Value because they are associated with threatened or endangered species habitat and/or the tributaries to trout production waters.

**Intermediate:** B-4 to B-9; DEP1 to DEP4. [50-foot wetland buffer]

**Ordinary:** The swale area extending from points C-1 and C-4 east to Waterloo Road. [No wetland buffer]

**State open waters:** Within wetlands. [No wetland buffer]

Please note there is no standard transition areas required adjacent to State open waters under the Freshwater Wetlands Protection Act rules. However, a riparian zone is required in accordance with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13. Please note that the riparian zone may exceed the transition area requirements. The following wetland areas or points have been considered by the Department to be isolated wetlands and not connected to any surface water tributary system: Wetland Area DEP1 to DEP4. 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 & 5) 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) 633-6563 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

[Signature]

Patrick Ryan, Supervisor
Division of Land Use Regulation

c: Kevin Jamieson, Maser Consulting P.A. (with original and plan)
Mount Olive Township Clerk
Mount Olive Township Construction Official
Joseph Barilla, Morris County Planning Board