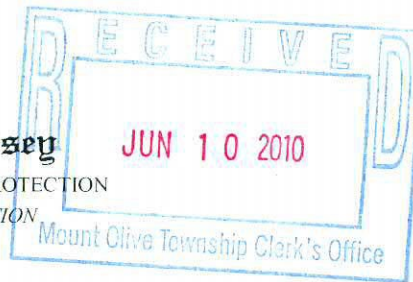




State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
P.O. BOX 439
Trenton, NJ 08625-0439
www.state.nj.us/dep/landuse



Clerk

cc: Admin
Plan
June B.

BOB MARTIN
Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Ms. Candice J. Davis, P.E.
Yannaccone, Villa & Aldrich
460 Main Street, P.O. Box 459
Chester, New Jersey 07930

JUN 03 2010

RE: Letter of Interpretation-Line Verification
File No.: 1427-07-0008.1 (FWW 100002)
Applicant: Wicklow & Laurano Properties, LLC
Block: 6800; Lot: 11
Mount Olive Township, Morris County
Nearest Waterway: Tributary to Drakes Brook
South Branch Raritan River Watershed

Dear Ms. Davis:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and/or 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, Division of Land Use Regulation (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 upon site inspections conducted by staff of the Division on March 10, 2010, and April 14, 2010, the Division has determined that **the wetlands and waters boundary lines as shown on the plan map entitled: "Wicklow & Laurano Property, Preliminary & Final Site Plans, 362 Route 206, Lot 11 – Block 6800, Township of Mount Olive, Morris County, New Jersey, Sheet Title: Existing Conditions & Environmental Constraints Plan", Sheet No. 2 of 11, dated June 24, 2008, last revised June 1, 2010, and prepared by Yannaccone, Villa & Aldrich, LLC, are accurate as shown.**

Any activities regulated under the Freshwater Wetlands Protection Act (FWPA) proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the FWPA, N.J.S.A. 13:9B -1 et

seq., and implementing rules, N.J.A.C. 7:7A *et seq.* A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Division's public records.

Pursuant to the FWPA rules, you are entitled to rely upon this jurisdictional determination for a **period of five years** from the date of this letter.

The freshwater wetlands and/or 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 LUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Line(s) as verified by NJDEP."

In addition, the Department has determined that the wetlands located on and adjacent to the subject property are classified as **Exceptional** resource value. The wetlands are classified as **Exceptional** resource value because they drain to trout production waters. The standard transition area required adjacent to Exceptional resource value wetlands is 150 feet. State open waters are also present on and adjacent to the property. The State open waters are denoted on the approved map as "intermittent watercourse" and "unnamed tributary to the Drakes Brook". There are no standard transition areas required adjacent to State open waters under the FWPA rules. However, a riparian buffer is required in accordance with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13. These wetlands/waters 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 wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the FWPA and implementing rules for additional information.

Note that this determination does not verify the limits of the flood hazard area, 100-year floodplain, floodway, or riparian zone depicted on the referenced map. Verification of those limits is done through an application for a Flood Hazard Area Verification.

It should be noted that this determination of wetlands/waters classifications is based on the best information presently available to the Department. These classifications are subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under N.J.S.A. 13:9B-7a(2), if the Department 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 of Land Use Regulation, P.O. Box 439, Trenton, New Jersey 08625.

Please be advised that according to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), a 300-foot special water resource protection area shall be established along all waters designated Category One and perennial or intermittent streams that drain into or upstream of Category One waters as shown on the United States Geological Survey (USGS) Quadrangle Maps or in the County Soil Surveys, within the associated hydrologic unit code (HUC) 14

drainage area. Depending upon the extent of any proposed development or disturbance of the subject property, this 300-foot buffer may apply to the unnamed tributary to Drakes Brook as it drains to Category One waters within the same HUC 14 drainage area.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This letter shall not limit the Department of Environmental Protection from taking any enforcement or legal action for any past, present or future violations on this project site. Also, this determination does not affect your responsibility to obtain any local, State, or Federal 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. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Susan Michniewski of our staff at (609) 777-0454 or susan.michniewski@dep.state.nj.us should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Daniel Bello, Principal Environmental Specialist
Central Region
Bureau of Inland Regulation

Attachment (hearing request checklist & plan)

c: Applicant
Mount Olive Township Construction Official (with plan)
Mount Olive Township Clerk
David Sumba, Bureau of Coastal and Land Use Compliance and Enforcement –
Highlands Region (with plan)