State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

SEP 09 2009

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JC, TH, BC

John Crow
C & H Environmental, Inc
224 Stiger Street
Hacketstown, NJ 07840

RE: Letter of Interpretation; Line Verification
File No.: 1222-09-0002.1FWW090001
Applicant: Wilma M. Dourney
Block: 476; Lot: 3
South Plainfield, Middlesex County

Dear Mr. Crow:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and 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 is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains 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 a site inspection conducted on July 24, 2009 the Division of Land Use Regulation has determined that the wetlands and waters boundary line(s) as shown on plan sheet entitled "WETLANDS DELINEATION PLAN LOT 3 BLOCK 476 BOROUGH OF SOUTH PLAINFIELD MIDDLESEX COUNTY NEW JERSEY", dated June 2, 2009, unrevised and prepared by Charles Surmonte P.E. & P. L. S., is accurate as shown.

Any activities regulated under the Freshwater Wetlands Protection Act 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 Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. 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 Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), 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 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 as verified by NJDEP."

The Department has determined that isolated wetlands of intermediate resource value are present on the subject property. The standard transition area or buffer required adjacent to intermediate resource value wetlands is 50 feet. These 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 Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is 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 NJSA 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.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-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 Tina Wolff of our staff at (609) 777-0454 or e-mail at Tina.Wolff@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

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

c: South Plainfield Borough Municipal Construction Official w/ plan
South Plainfield Borough Municipal Clerk
Middlesex County Clerk w/ plan

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(50' R.O.W.)

APPROVED

1222-09-0002.1 FWW090001

SEP 09 2009

Department of Environmental Protection
Division of Land Use Regulation

WETLANDS DELINEATION PLAN

LOT 3 BLOCK 476

UGH OF SOUTH PLAINFIELD MIDDLESEX COUNTY NEW JERSEY

Charles Surmonte P.E. & P.L.S.
New Jersey Professional Engineer and Land Surveyor
License No. 35885

1500 Allaire Avenue, Suite 104
Ocean, New Jersey, 07712
Phone 732-660-0606
Fax 732-660-0404

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