



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

LISA P. JACKSON
Commissioner

John Boyce
Malick & Scherer, P.C.
One Salem Square
295 Route 22 East
Whitehouse Station, New Jersey 08889

SEP 05 2006

RE: Letter of Interpretation/Line Verification
File No.: 1813-06-0001.1FWW060001
Applicant: Township of Montgomery
Block: 26001 & 27001; Lots: 1 & 1
Montgomery Township, Somerset County

Dear Mr. Boyce:

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, Land Use Regulation Program 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 April 12, 2006, the Land Use Regulation Program has determined that **the waters and wetlands boundary line(s) as shown on the plan maps entitled: "WETLANDS LOCATION PLAN", Drawing Number WL-2 to WL-5, all dated September 30, 2005, unrevised, and prepared by Michael J. McAlpin of Malick & Scherer, P.C., 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 Program'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 waters and wetlands 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:

" Waters and Wetlands Boundary Line as verified by NJDEP."

In addition, the Department has determined that the freshwater wetlands on the subject property are of ordinary resource value. Ordinary resource value wetlands are identified by the following points: A9 to A18, B15 to B24, A65 to A67 to C21 to C10 to A68 to A72, and G23A to G29. The remaining points identified on the referenced plans identify State open waters. A standard transition area is not required adjacent to ordinary resource value wetlands or State open waters. However it should be noted that the Flood Hazard Control Act Rules may require a riparian buffer adjacent to State open waters. It has been determined that State open waters identified by points A19 to A64 are suitable habitat for threatened or endangered species and therefore a fifty-foot top of bank buffer maybe applicable. 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 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.

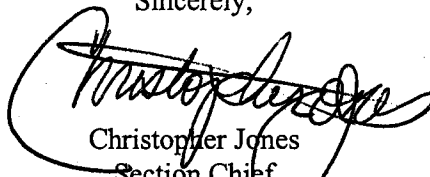
It should be noted that this determination is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

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 of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, PO Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact Susan Ford of our staff at (609) 633-6754 or by e-mail at Susan.Ford@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,



Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Montgomery Township Municipal Construction Official
Applicant