



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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GOVERNOR

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ACTING COMMISSIONER

Division of Land Use Regulation
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OCT 27 2009

Mr. David Moskowitz
EcolSciences, Inc.
75 Fleetwood Drive, Suite 250
Rockaway, NJ 07866

Re: Letter of Interpretation - Line Verification
File No.: 1200-09-0002.1 FWW 090001
Applicant: Edgewood Properties
Block 224, Lots 2, 5, 6 & 87
North Brunswick, Middlesex County
Block 27, Lots 4 & 6
South Brunswick, Middlesex County

Dear Mr. Moskowitz:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundaries of the freshwater wetlands and transition areas on the referenced property pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (Department), the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, it has been determined that the Department's 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 site inspections conducted on June 24, 2009, August 20, 2009 and October 13, 2009, the Division has determined that the wetland boundary lines are accurate as shown on the plan prepared by 3 Wire Surveying, Inc., entitled "WETLANDS DELINEATION PLAN, BLOCK 224 - LOTS 2, 5, 6, & 87, TOWNSHIP OF NORTH BRUNSWICK, BLOCK 27 - LOTS 4 & 6, TOWNSHIP OF SOUTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY," dated May 19, 2009, unrevised.

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 wetland boundary lines, as determined in this letter, must be shown on any future site development plans. The lines should be labeled with the above file number and the following note:

**"Freshwater Wetland and Transition Area Boundary Lines as verified by NJDEP
File No. 1200-09-0002.1 FWW 090001"**

The Department has determined that the portions of the wetland ditch identified by flags by WC-1 through WC-4 and WC-19 through WC-28 are of Ordinary resource value. There is no standard transition area required adjacent to Ordinary resource value wetlands. All other onsite wetlands are of **Intermediate** resource value. The standard transition area or buffer adjacent to Intermediate resource value wetlands is **50 feet**. It should be noted that the wetlands identified by flags WB-1 through WB-8, WE-1 through WE-9, and WF-1 through WF-6 are isolated. These isolated wetlands may potentially meet the definition of a "vernal habitat" as found at N.J.A.C. 7:7A-1.4. State open waters are also present on the site as shown on the plan. While no transition area is required adjacent to State open waters pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, a riparian zone is required adjacent to State open waters pursuant to the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. The wetland resource value classification(s) noted above 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 modifications available through transition area waivers (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

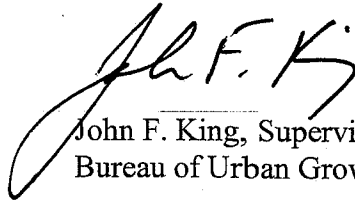
It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under NJSA 13:9B-7(a)(2), if the Department has classified a wetland as exceptional resource value based upon 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 that may have been placed, or other regulated activities that may have occurred on-site. Also, this determination does not affect your responsibility to obtain any local, State, or Federal permits that 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 Linda Fisher of our staff at (609) 777-0454 or linda.fisher@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,



John F. King, Supervising Environmental Specialist
Bureau of Urban Growth and Redevelopment

c: North Brunswick Construction Official
South Brunswick Construction Official
Applicant, Edgewood Properties