



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
P.O. Box 439
Trenton, New Jersey, 08625
www.state.nj.us/dcp/landuse

RECEIVED JUN 07 2010

BOB MARTIN
Commissioner

FILE

MAY 26 2010

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Edward A. Kuc
Eastern States Environmental Associates Inc.
RR-3 Box 541
Mountain View Drive
Kunkletown, Pennsylvania 18058

RE: Letter of Interpretation/Line Verification
File No.: 1806-09-0003.1 FWW 090001
Applicant: Autosport Honda
Block: 559; Lot: 5
Bridgewater Township; Somerset County

Dear Mr. Kuc:

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 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 a site inspection conducted on June 5, 2009, and August 7, 2009, the Division of Land Use Regulation has determined that the wetlands and waters boundary lines as shown on the plan map entitled "**Boundary, Topographic & Wetlands Survey Tax Map Lot 5 Block 559 Bridgewater Township Somerset County New Jersey**", Sheet 1 of 1, dated November 17, 2008, last revised October 19, 2009, and prepared by Gladstone Design, Inc., 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 lines, as determined in this letter, must be shown on any future site development plans. The lines should be labeled with the above Division file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP, File # 1806-09-0003.1 FWW 090001"

The Department has determined that the wetlands on the subject property are of ordinary and intermediate resource value. Specifically, the wetland features denoted by flags w2-1A through w2-5 and w3-1 / w3-4 to w3-5A / w3-4A are ordinary resource value swales. A standard transition area or buffer is not required adjacent to ordinary resource value wetlands. State open waters are denoted by the following flags: w1-1 to w1-7, continuing from w1-20 to w1-26 / w5-1 to w5-7; and w3-1 to w3-4. Intermediate resource value wetlands are denoted by flags w1-7 to w1-20. A standard transition area or buffer of 50 feet is required adjacent to intermediate resource value wetlands. 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 note that pursuant to the Flood Hazard Area Control Act Rules (FHACAR) N.J.A.C. 7:13, adopted November 5, 2007, a riparian zone is required along every regulated water with few exceptions (see 7:13-4.1). In order to determine the limits of any riparian zone on site, the applicant may obtain a Flood Hazard Area Verification (see 7:13-6.1) that determines all areas regulated under the FHACAR.

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-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 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 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. The Administrative Hearing Request Checklist is available through the Division's website at www.state.nj.us/dep/landuse/forms/index.html.

Please contact Mark Harris of our staff at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Andrew Clark
Northeast Supervisor
Bureau of Inland Regulation

c: Bridgewater Township Clerk and Planning Board