

970237-DEP



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

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

LISA P. JACKSON
Commissioner

MAY 12 2006

Kenneth Conrow
NJ Department of Transportation
Capital Program Management Environmental Support
E&O Building, 3rd Floor
P.O. Box 600
Trenton, New Jersey 08625-0600

RE: Freshwater Wetlands Letter of Interpretation/Line Verification
File No.: 1924-01-0004.1 (FWW-010001)
Applicant: NJ Department of Transportation
Block: N/A Lot: N/A
Sussex Borough and Wantage Township, Sussex County

Dear Mr. Conrow:

This letter is in response to the New Jersey Department of Transportation's (NJDOT) 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 inspections conducted on **March 27, 2002 and April 7, 2006**, the Division of Land Use Regulation has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled, "State of New Jersey Department of Transportation plans of ROUTE 23 SUSSEX BOROUGH REALIGNMENT & PAKATING CREEK BRIDGE REPLACEMENT, WETLANDS DELINEATION PLANS", sheets 1 of 21, dated July 7, 2001 last revised July 7, 2005 and prepared by Parsons Brinckerhoff Quade & Douglas, 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 DLUR file number and the following note:

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

In addition, the Department has determined that the wetlands on the subject property are of all resource values (exceptional, intermediate and ordinary). The following wetlands, as labeled on the cited plans, were found to be both documented and suitable for the presence of threatened and endangered species habitat and are therefore exceptional: wetlands "AA", "A-3" through "A-11", "A-18" through "A-25", "B-6" through "B-8", "WB", "C", "CC", "DD", "E", "F", "D-22", "G-4" through "G-14", "H-7" through "H-28", "V-1" through "V-2", "V-5" through "V-6", "V-7" through "V-20", "V-24" through "V-31", "X-9" through "X-18", "X-19" through "X-21". The standard transition area required adjacent to these wetlands is 150 feet. The following wetlands, as labeled on the cited plans, were found to be of intermediate resource value: "Y-1" through "Y-43", "G-1 through H-7", "K", "J" and the standard transition area required adjacent to these wetlands is 50 feet. All remaining wetlands are of ordinary resource value or State open waters and there are no transition areas associated with these wetlands. 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.

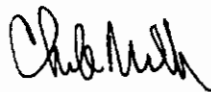
It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including,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

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 Judy Burton of our staff at (609) 777-0454 or judith.burton@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,



Charles Welch, Supervisor
Roadways and Infrastructure Unit
Division of Land Use Regulation

c: Township of Wantage Municipal Clerk
Township of Wantage Construction Official
Borough of Sussex Municipal Clerk
Borough of Sussex Construction Official