



## State of New Jersey

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
Mail Code 501-02A

P.O. Box 420  
Trenton, New Jersey 08625-0420  
www.nj.gov/dep/landuse

CATHERINE R. McCABE  
Commissioner

**AUG 23 2019**

Pedro Vieira  
220 Treptow Road  
Somerset, New Jersey 08873

RE: Letter of Interpretation: Presence/Absence Determination  
File No.: 1808-19-0007.1  
Activity Number: FWW190001  
Applicant: PEDRO VIEIRA  
Block: 423.01 and Lot: 29  
Franklin Township, Somerset County

Dear Mr. Viera:

This letter is in response to your request for a Letter of Interpretation from the Division of Land Use Regulation (Division) indicating the presence or absence of freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the 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 USACE 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 a site inspection conducted by the Department on July 25, 2019, the Division of Land Use Regulation has determined that **freshwater wetlands and their associated transition areas are present** on and adjacent to the referenced property. The wetlands are a linear feature that bisects the property into east and west halves.

### Wetlands Resource Value Classification ("RVC")

Ordinary: All wetlands on the property. [No wetland buffer]

RVC may affect requirements for wetland and/or transition area permitting. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A-1 et seq. for additional information.

### General Information

Wetlands resource value classification is based on the best information available to the Department. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant. For exceptional resource value wetland reclassification requests, refer to N.J.A.C. 7:7A-3.2(e).

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.3 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.4. Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Department can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

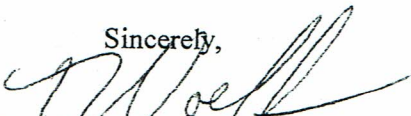
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically stated. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

### Appeal Process

In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date 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, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7<sup>th</sup> Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at [www.state.nj.us/dep/landuse/forms](http://www.state.nj.us/dep/landuse/forms). Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at [www.state.nj.us/dep/bulletin](http://www.state.nj.us/dep/bulletin). In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

Please contact Jessica Palilonis of our staff by e-mail at [Jessica.Palilonis@dep.nj.gov](mailto:Jessica.Palilonis@dep.nj.gov) or (609) 633-6563 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Tina Wolff, Environmental Specialist 3  
Division of Land Use Regulation

- c: Franklin Township Clerk  
Franklin Township Construction Official  
Agent: Edward A. Kuc, Eastern States Environmental Associates, Inc.