



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

LISA P. JACKSON  
Commissioner

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

George Worth  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

MAR 25 2008

**RE: Freshwater Wetlands Letter of Interpretation/Line Verification**  
File No.: 1400-07-0004.1 (FWW 070002)  
Applicant: New Jersey Department of Transportation  
Project: Route 206/CR 513 Intersection Improvements  
Block: N/A Lot: N/A  
Borough of Chester & Township of Chester, Morris County

RECEIVED  
APR 07 2008  
PROJECT MANAGEMENT

Dear Mr. Worth:

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 for properties associated with improvement activities for the referenced project.

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 13, 2007** the Division of Land Use Regulation has determined that the wetlands and waters boundary line(s) as shown on the plans entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION WETLANDS PERMIT PLANS ROUTE 206/CR 513", dated May 2007, and signed by Andrew M. Muldowney, 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 all the wetlands on the subject property are of exceptional resource value due to presence trout production waterways. The standard transition area associated with these wetlands is 150 feet. This 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 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](http://www.state.nj.us/dep)

Please contact me at (609) 984-0848 or [charlie.welch@dep.state.nj.us](mailto:charlie.welch@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: Borough of Chester and Chester Township Municipal Clerks  
Borough of Chester and Chester Township Construction Official

RECEIVED

MAY 09 2008

Bureau of  
Environmental Project Support