

10

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
Mail Code 501-02A, P. O. Box 420
Trenton, New Jersey 08625-0420
www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Curt Mitchell
REP Materials
P O Box 430
Woodstown, NJ 08098-0430

JUL 18 2014

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 0504-03-0002.2
Activity Number: FWW140001
Applicant: REP Materials
Block(s) and Lot(s): [224, 68.01]
Dennis Twp., Cape May County

Dear Mr. Mitchell:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open 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, the 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, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: "PLAN OF SURVEY, LOT 68.01, BLOCK 224, DENNIS TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY", consisting of one (1) sheet(s), dated 09-18-013, last revised 07-07-14, and prepared by Gibson Associates, P.A., is accurate as shown.

Wetlands Resource Value Classification ("RVC")

Exceptional: All wetland flag points. [150 foot wetland buffer]

Please be advised that if the current mining operation on site is abandoned or if a change of use occurs on the site, then the Department reserves the right to claim jurisdiction of wetlands and/or State open waters created by sand mining operations on the property.

Freshwater Wetlands Letter of Interpretation: Line Verification
DLUR File # 0504-03-0002.2 FWW140001

Page 2

In addition, the wetlands have been identified as being priority wetlands by the U.S. Environmental Protection Agency. This classification may affect the types of permits or transition area waivers available for the above referenced property.

The Department has not made a determination as to whether any features onsite would be regulated under the Flood Hazard Area Control Act Rules (FHACAR), N.J.A.C. 7:13. In order to determine if there are any regulated features on the property and/or to determine if the proposed project is regulated by the FHACAR, the applicant may submit an Applicability Determination in accordance with N.J.A.C. 7:13-5.1.

RVC may affect requirements for wetland and/or transition area permitting. 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 property (see N.J.A.C. 7:7A-4) and any 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.

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.

Under N.J.S.A. 13:9B-7a(2), if the Division 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 at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.6 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.8. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

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 called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

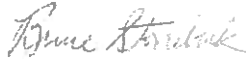
Freshwater Wetlands Letter of Interpretation: Line Verification
DLUR File # 0504-03-0002.2 FWW140001
Page 3

Appeal Process

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 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, P.O. Box 402, 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. 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. 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 for more information on this process.

Please contact April Grabowski of our staff by e-mail at april.grabowski@dep.nj.gov or (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



 Ryan J. Anderson, Supervisor
Division of Land Use Regulation

cc: Municipal Clerk
Municipal Construction Official
Agent (original)

