



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 292-8115  
www.state.nj.us/dep/landuse

JON S. CORZINE  
Governor

MARK N. MAURIELLO  
Acting Commissioner

MAR 19 2009

Edward W. Redfield  
PetroScience, Inc.  
66 Glen Avenue  
Glen Rock, New Jersey 07452

RE: Freshwater Wetlands Letter of Interpretation – Line Verification  
Program Interest No.: 1604-01-1004.1  
Activity No.: FWW-FWLI4-080001  
Applicant: 204 Wagaraw Road, LLC.  
Block: 12 Lot(s): 8  
Borough of Hawthorne, Passaic County

Dear Mr. Redfield:

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 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 on October 24, 2008, the Division of Land Use Regulation has determined that the wetlands and waters boundary line(s) as shown on the plan maps entitled: "ALTA/ACSM LAND TITLE SURVEY OF 204 WAGARAW ROAD, LOT 8 in BLOCK 12, BOROUGH of HAWTHORNE, COUNTY of PASSAIC, N.J.", dated October 23, 2007, last revised on June 23, 2008, and prepared by Miloslav Rehak, P.L.S., of The Bertin Engineering Associates, 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), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter. This letter in no way legalizes any fill, which may have been placed, or other regulated activities, which may have been conducted on this site. This determination does not affect your responsibility to obtain any State, Federal, county or municipal permits, which may be required.

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 File number and the following note:

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

The Department has determined that the wetlands onsite are of **Intermediate Resource Value**. The standard transition area or buffer is required adjacent to Intermediate Resource Value wetlands is 50 feet. In addition, the Department also has identified **State open waters** within the wetlands onsite. Please note pursuant to the Flood Hazard Area Control Act Rules (FHACAR) N.J.A.C. 7:13, adopted on 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) which determines all areas regulated under the FHACAR. The Department recommends that prior to any construction on site the applicant obtain a Flood Hazard verification or approval. 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.

The wetlands have also 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.

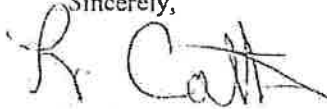
It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including,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

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 Faraz Khan of our staff at (609) 777-0454, should you have any questions regarding this letter. Be sure to indicate the program's file number in all communication.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Cattuna". The signature is written in a cursive style with a large initial "L" and "C".

Lou Cattuna,  
Northern Delaware Regional Supervisor  
Bureau of Inland Regulation

c: Borough of Hawthorne Construction Official  
Applicant

