



## 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](http://www.nj.gov/dep/landuse)

CATHERINE R. McCABE  
Commissioner

JUN 13 2019

David Grossmueller  
PSE&G  
4000 Hadley Road  
South Plainfield, NJ 07080

RE: **Freshwater Wetlands Letter of Interpretation: Line Verification**  
File No.: 0000-10-0055.1  
Activity Number: FWW180001  
Applicant: David Grossmueller for PSE&G  
Blocks: ROW and Lots: ROW  
Livingston Township and Roseland Borough, Essex County  
Chatham and Long Hill Townships, Chatham and Florham Park Boroughs, Morris County  
Bernards, Branchburg, Bridgewater, and Warren Townships, Somerset County

Dear Mr. Grossmueller:

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 (NJDEP), the U.S. Army Corps of Engineers (USACE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the NJDEP is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACE 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 site inspections conducted by Division staff on November 14, 2018, November 21, 2018, November 28, 2018, December 12, 2018, December 27, 2018, January 4, 2019, and January 9, 2019, the Division has determined that the wetlands and waters boundary lines as shown on the plan map prepared by Brian S. Gregis, P.L.S., of PSEG Services Corporation, dated July 2, 2018, last revised May 3, 2019, consisting of fifty-eight (58) sheets, entitled: **"ROSELAND SWITCH TO BRANCHBURG SWITCH UPGRADE PROJECT, LETTER OF INTERPRETATION (LOI)"**, Cover Sheet, Sheets 1-52, and Sheets 89-93, are accurate as shown. This LOI should not be relied upon for any activities outside of the right-of-way or for activities unrelated to the utility.

The freshwater wetlands and waters boundary lines, as determined in this letter, must be shown on any future site development plans. The lines should be labeled with the above file number and the following note:

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

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

The wetland resource value classifications are listed in the table below. The classifications are described as follows:

**Exceptional Resource Value (EXC)** – The wetlands classified as exceptional are associated with threatened or endangered species habitat. A standard transition area of 150 feet is required for exceptional wetlands.

**Intermediate Resource Value (INT)** – Wetlands classified as intermediate resource value require a standard transition area of 50 feet.

**Ordinary Resource Value (ORD)** – Ordinary resource value wetlands have no standard transition area.

**State open waters (SOW)** - No transition area is required under the Freshwater Wetland Protection Act. However, in accordance with 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). **Additional State open waters may be located within wetland areas and not specifically identified below. These waters may have riparian zones that exceed the wetland transition areas. In order to determine the limits of any riparian zone on site, the applicant may obtain a Flood Hazard Area Verification (see 7:13-5.1) which determines all areas regulated under the FHACAR.**

**Isolated (ISO)** – These wetlands have been considered by the Department to be isolated and not part of a surface water tributary system.

**Potential Vernal Habitats (PVH)** – These wetlands potentially meet the definition of a "vernal habitat" as found at N.J.A.C. 7:7A-1.3.

**EPA Priority (EPA)** - The wetlands on or adjacent to the site, except for any isolated wetlands that are determined to be located outside of the 100-year floodplain, are classified as priority wetlands by the USEPA because they drain to the Passaic River or are located within the 100-year floodplain of the Passaic River.

<b>SHEET</b>	<b>WETLAND/WATER NUMBER</b>	<b>CLASSIFICATIONS</b>
1	10	INT, EPA
	S10	SOW
	11	INT, EPA
2	3	EXC, ISO, PVH, EPA
	5 (SOW S5 WITHIN WETLAND)	EXC, EPA
	S1	SOW
3	7 (SOW S7 WITHIN WETLAND)	EXC, EPA
4	7 (SOW S7 WITHIN WETLAND)	EXC, EPA
	9 (SOW S9 WITHIN WETLAND)	INT, EPA
5	11 (SOW S11 WITHIN WETLAND)	INT, EPA
	23	INT, EPA
	19A	INT, EPA
	17, 19, & 21 (SOW S17 WITHIN WETLAND)	INT, EPA
	15	INT, EPA
6	15	INT, EPA
	15A	INT, EPA
7	13	ORD, EPA
	25 (SOW S25 WITHIN WETLAND)	EXC, EPA
8	25 (SOW S25 WITHIN WETLAND)	EXC, EPA
9	25 (MULTIPLE SOWS S25 WITHIN WETLAND)	EXC, EPA
10	25 (MULTIPLE SOWS S25 WITHIN WETLAND)	EXC, EPA

SHEET	WETLAND/WATER NUMBER	CLASSIFICATIONS
10	29 (SOW S29 WITHIN WETLAND)	EXC, EPA
11	29	EXC, EPA
	27	INT, ISO, EPA
	27A	INT, ISO, EPA
12	41	ORD, EPA
	39	INT, EPA
	37	INT, EPA
	33	ORD, EPA
	31	EXC, EPA
13	31	EXC, EPA
14	43 (SOW S43 WITHIN WETLAND)	INT, EPA
	43A & 45 (SOW S43A WITHIN WETLAND)	INT, EPA
15	43A & 45	INT, EPA
	47 & 47U - FLAGS 47U-1 THROUGH 47U-6, 47-43A THROUGH 47-15, 47U-32-OE THROUGH 47U-33-OE, 47U-26A THROUGH 47U-31A, 47U-16 THROUGH 47U-23A	INT, EPA
	47 & 47U - ALL REMAINING FLAGS	EXC, PVH, EPA
	55A	INT, ISO, EPA
	55	EXC, EPA
	49B	EXC, EPA
16	49A	EXC, PVH, EPA
	53	EXC, ISO, PVH, EPA
	219	EXC, EPA
	51	EXC, ISO, PVH, EPA
	49	EXC, EPA
17	49 (SOW S49 WITHIN WETLAND)	EXC, EPA
	89 (SOW S89 WITHIN WETLAND)	EXC, EPA
	93	EXC, ISO, EPA
18	89 (SOW S89 WITHIN WETLAND)	EXC, EPA
	91	INT, ISO, PVH, EPA
19	91	INT, ISO, PVH, EPA
	89 (SOW S89 WITHIN WETLAND)	EXC, EPA
	105	EXC, EPA
	103	EXC, EPA
	101	EXC, EPA
20	101	EXC, EPA
	99	EXC, EPA
	97	EXC, EPA
	95	EXC, EPA
	107A	INT, EPA
	107	INT, EPA
21	107	INT, EPA
22	112A-1-OE THROUGH 112A-6-OE, 112 - FLAGS 112-29-OE TO 112-18 THROUGH 112-8-OE, 112-1-OE THROUGH 112-7A, 112-19A THROUGH 112-28A, AND ALONG A LINE FROM FLAG 112-28A TO 112-29-OE	INT, EPA
	112 - ALL REMAINING FLAGS	EXC, EPA
23	112 (SOW S112 WITHIN WETLAND)	EXC, EPA
23	110 (MULTIPLE SOWS S110 WITHIN WETLAND)	EXC, EPA
24	110 (MULTIPLE SOWS S110 WITHIN WETLAND)	EXC, EPA
	108	INT, EPA

SHEET	WETLAND/WATER NUMBER	CLASSIFICATIONS
25	108	INT, EPA
	106 (MULTIPLE SOWS S106 WITHIN WETLAND)	EXC, EPA
26	106 (MULTIPLE SOWS S106 WITHIN WETLAND)	EXC, EPA
27	106 (SOW S106 WITHIN WETLAND)	EXC, PVH, EPA
28	106 (MULTIPLE SOWS S106 WITHIN WETLAND)	EXC, PVH, EPA
	104 (SOW S104 WITHIN WETLAND) – FLAGS 104-1-OE THROUGH 104-18A	INT, PVH, EPA
	104 (SOW S104 WITHIN WETLAND) – REMAINING WETLAND FLAGS	EXC, PVH, EPA
29	104 (MULTIPLE SOWS S104 WITHIN WETLAND)	EXC, PVH, EPA
30	104 (SOW S104 WITHIN WETLAND)	EXC, PVH, EPA
	100 (MULTIPLE SOWS S100 WITHIN WETLAND)	EXC, PVH, EPA
31	100 (MULTIPLE SOWS S100 WITHIN WETLAND)	EXC, PVH, EPA
32	100 (SOW S100 WITHIN WETLAND)	EXC, EPA
	102	INT, ISO, PVH, EPA
33	90 (SOW S90 WITHIN WETLAND)	INT, EPA
	92	INT, EPA
	94	INT, EPA
	96	ORD, EPA
	98	INT, EPA
34	94	INT, EPA
	96	ORD, EPA
	98	INT, EPA
	86	INT, EPA
	84 (SOW S84 WITHIN WETLAND) – FLAGS 84-03 THROUGH 84-07	ORD, EPA
	84 (SOW S84 WITHIN WETLAND) – ALL REMAINING FLAGS	INT, EPA
35	78	INT
36	78	INT
	82 (SOW S82 WITHIN WETLAND)	INT
	70	INT, ISO, PVH
	72	INT, ISO, PVH
37	72	INT, ISO, PVH
	74	INT
	76	INT
	62 (SOW S62 WITHIN WETLAND)	INT
	64 (SOW S64 WITHIN WETLAND)	INT
	66	INT
38	64 (SOW S64 WITHIN WETLAND)	INT
	66	INT
	68	INT
	58	INT
39	60	INT
	46 (SOW S46 WITHIN WETLAND)	INT
40	46 (SOW S46 WITHIN WETLAND)	INT
	44 (SOW S44 WITHIN WETLAND)	INT
	48 (SOW S48 WITHIN WETLAND)	INT
41	50A	INT, ISO, PVH
	50	INT
	52	INT

SHEET	WETLAND/WATER NUMBER	CLASSIFICATIONS
41	54	EXC
	56 (SOW S56 WITHIN WETLAND) - FLAGS 56-1L THROUGH 56-1F-OE	ORD
	56 (SOW S56 WITHIN WETLAND) - ALL REMAINING FLAGS	INT
42	56 (SOW S56 WITHIN WETLAND)	INT
	36 (SOW S36 WITHIN WETLAND)	INT
	38	INT
43	40	INT
	42A	INT, ISO, PVH
44	42A	INT, ISO, PVH
	42 (SOW S42 WITHIN WETLAND)	INT
	34	INT
	234	INT
45	34	INT
	30 (SOW S30 WITHIN WETLAND)	EXC, PVH
46	32 (SOW S32 WITHIN WETLAND)	INT
47	32 (SOW S32 WITHIN WETLAND)	INT
	18	INT, ISO
	20	ORD
	22	INT, ISO, PVH
	24	INT, PVH
	26	INT
	233	INT
	S22	SOW
48	28	ORD
	232	ORD, ISO
	231	ORD, ISO
	16 (SOW S16 WITHIN WETLAND)	INT
49	16 (SOW S16 WITHIN WETLAND)	INT
	14 (SOW S14 WITHIN WETLAND)	INT
	12 (SOW S12 WITHIN WETLAND)	INT
	10	ORD, ISO, PVH
	8	ORD, ISO, PVH
	WETLAND AREA (OFF-SITE)	INT
50	6 (SOW S6 WITHIN WETLAND)	INT
	4 (SOW S4 WITHIN WETLAND)	INT
51	2 (SOW S2 WITHIN WETLAND)	INT
52	NONE	N/A

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-9 and 10), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-5 and 7) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-8). 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 Division. 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 2.3 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. 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 Division 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.

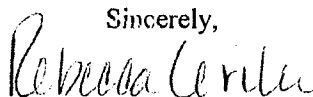
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically 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.

### **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 Ashleigh Windawi of our staff by e-mail at [Ashleigh.Windawi@dep.nj.gov](mailto:Ashleigh.Windawi@dep.nj.gov) or by phone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Rebecca Grike, Environmental Specialist 3  
Division of Land Use Regulation

Original sent to Permittee to record (with plans)  
c: Bridgewater Township Clerk (with plans)  
Bridgewater Township Construction Official  
Long Hill Township Clerk (with plans)  
Long Hill Township Construction Official  
Livingston Township Clerk (with plans)  
Livingston Township Construction Official  
Bernards Township Clerk  
Bernards Township Construction Official  
Branchburg Township Clerk  
Branchburg Township Construction Official  
Warren Township Clerk  
Warren Township Construction Official  
Roseland Township Clerk  
Roseland Township Construction Official  
Chatham Township Clerk  
Chatham Township Construction Official  
Chatham Borough Clerk  
Chatham Borough Construction Official  
Florham Park Township Clerk  
Florham Park Township Construction Official