ENVIRONMENTAL ASSOCIATES INC.

ECOLOGICAL RESOURCES INVENTORY
and
IMPACT ASSESSMENT REPORT

Automobile Service Facility Development Project

Block 34001 - Lot 64

Township of Montgomery

Somerset County, New Jersey

Specializing in the Assessment and Management of the Ecological Resources

315 Mountain View Drive, Kunkletown, Pennsylvania 18058
Phone: (610) 681-6030 • Fax: (610) 681-6031

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Automobile Service Facility Development Project

Block 34001 - Lots 64

Township of Montgomery

Somerset County, New Jersey

Prepared For:

Princeton Audi Service Center

959 Route #206
Princeton, New Jersey 08540

Prepared By:

Eastern States Environmental Associates, Inc.

November 18, 2015

ECOLOGICAL RESOURCES INVENTORY
and
IMPACT ASSESSMENT REPORT

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I. INTRODUCTION

This Ecological Resources Inventory and Impact Assessment Report is prepared pertaining to the conducted research of the Subject Property presently known as **Block 34001 - Lot 64** in **Montgomery Township, Somerset County, New Jersey** (Property). Research of the selected ecological resources of the Property addressed in this report consisted of both literature review and field investigations conducted in June, October and November of 2015. The impact assessment is based upon the inventoried ecological resources along with the proposed development plan designed by Van Cleef Engineering Associates of Hillsborough, New Jersey.

This report contains detailed information pertaining to selected ecological resources of concern and the anticipated impact to said resources as a result of the undertaking of the proposed development plan. This report is provided for any individual or regulatory agency, commission, or board desiring a professional assessment of the selected ecological resources addressed herein and the related impacts resulting from the proposed project.

II. STUDY AREA LOCATION AND SPECIFICATIONS

This Property is located Montgomery Township, Somerset County and includes approximately 13.6 acres (Appendix A - Figure #1A). This Property is situated on the northern (westbound) side of Cherry Valley Road approximately 765 feet west of the intersection of Cherry Valley Road with Route #206. The Property has approximately 470 feet of frontage along the northern (westbound) side of Cherry Valley Road.

The New Jersey State Plane Coordinates for the center of the Property are 448248 feet E and 567653 feet N as illustrated on the Rocky Hill, New Jersey USGS Quadrangle Map (Appendix A - Figure #2A).

III. SUMMARY OF PROPOSED PROJECT

The proposed project includes the development of the Property with an automobile service facility inclusive of a 48,900sf building, parking and stormwater management system. A portion of the Route #206 / Cherry Valley Connector road will also be constructed through the southeastern region of the Property. The proposed project will also include the implementation of a landscaping plan. The residential dwelling which exists in the southwestern corner of the Property will be removed.

All engineering designs have been prepared by Van Cleef Engineering Associates of Hillsborough, New Jersey. Whereas various characteristics of the proposed development plan are briefly summarized in this report, all engineering designs of this project are described and illustrated in detail on Site Plan Maps and engineering reports prepared by Van Cleef Engineering Associates.

IV. SELECTED ECOLOGICAL RESOURCES

A. OVERVIEW OF EXISTING CONDITIONS

A residential dwelling presently exists in the southwestern corner of the Property. The remainder of the Property is presently undeveloped although some maintenance activities and and removal of debris has occurred in portions of the southern region of the Property.

All lands immediately adjacent to the Property have undergone development. Lands to the west of the Property consist of residential development. Lands to the north consist of office and professional development. Lands to the south consist of varying forms of development. Lands to the east consist of varying forms of development inclusive of a PSE&E Sub-station.

B. SOILS

The Soil Survey of Somerset County, New Jersey, prepared by the US Soil Conservation Service (USSCS) was consulted with regard to the soil types existing on the Property along with general characteristics and limitations of said soils. The USSCS completed the mapping of the soils of Somerset County in 1968. The soil conditions described in the Soil Survey refer to those conditions in the County in 1971.

As depicted on Sheet #42 of the Soil Survey of Somerset County, New Jersey, two (2) soil types are determined to be associated with the Property (Appendix A- Figure #4A). Some characteristics and limitations of these soils are described in Table #4B.1 and also in the following descriptions. The characteristics and limitations of the soil types which occur on the Property which are described in this report are general.

TABLE #4B.1 Selected characteristics and limitations of on-site soil types.

Soil Type	Seasonal High Water (feet)	Depth to Bedrock (feet)	Limitations for:		
			Buildings with Basements	Buildings Without Basements	Local Roads
LhB	0.5-4+feet	3.5-5.0 feet	Severe	Severe	Severe
ReB	0.5-3 feet	1.5-3.5 feet	Severe	Severe	Severe

Lehigh silt loam, 2 to 6% slopes (LhB):

Concurrent with available mapping, it was determined that this soil type occupies the southernmost region.

This mapped soil type generally consists of deep, moderately well to somewhat poorly drained soils commonly found on broad upland flats. These soils are formed in material weathered from metamorphosed shale. Permeability is slow in the subsurface. The available water capacity is generally moderate. The seasonal high water table may be found at depths of 0.5 to 4.0 feet. Runoff is generally slow and the erosion hazard is slight.

Relevant limitations of this soil type pertaining to various development activities as are follows:

TABLE #4B.2 Limitations of LhB Soil Type for Building Site Development	
Foundations for Buildings with Basements	Severe due to seasonal high water table
Foundations for Buildings without Basements	Severe due to frost action potential
Local Roads	Severe due to seasonal high water table and frost action potential

Reaville silt loam, 2 to 6% slopes (ReB):

Concurrent with available mapping, it was determined that this soil type encompasses the majority of the Property with the exception of the southernmost region.

This mapped soil type generally consists of moderately deep, moderately well to somewhat poorly drained soils commonly found in low-lying areas on broad upland flats. These soils are formed in material weathered from sandstone, red shale and siltstone. Permeability is moderate in the surface layer and moderately slow in the subsurface. The available water capacity is generally moderate. The seasonal high water table may be found at depths of 0.5 to 3.0 feet. Runoff is generally slow and the erosion hazard is slight.

Relevant limitations of this soil type pertaining to various development activities as are follows:

TABLE #4B.3 Limitations of ReB Soil Type for Building Site Development	
Foundations for Buildings with Basements	Severe due to seasonal high water table
Foundations for Buildings without Basements	Severe due to frost action potential
Local Roads	Severe due to seasonal high water table and frost action potential

C. VEGETATION AND NATURAL COMMUNITIES

Field evaluations of the Property determined that various natural habitats are associated with the Property. Appendix A - Figure #A4 illustrates the location of the habitat types associated with the Property and adjacent lands. The natural habitats associated with the Property are described as follows.

Developed (D):

This designated land use is characterized by lands which are developed or manipulated to the extent that they do not provide any amenities typical of a natural habitat. This designated land use occurs throughout lands adjacent and to the north, south, east and west of the Property which include commercial and professional facilities, a residential development and the PSE&G sub-station.

Minimal ecological amenities or functions are determined to be associated with these designated areas as a result of the manipulated and developed characteristics.

Early Succession Field Habitat (EF):

This designated land use is characterized by the predominant herbaceous vegetation coverage and the lack of tree and shrub layer vegetation. This habitat type consists of the early stages of natural succession upon abandonment of cultivation activities. This habitat occurs throughout the southern region of the Property and also extends into the eastern-central region of the Property. Similar habitat exists in limited abundance immediately adjacent and to the east of the Property where cultivation has been abandoned as a result of the construction of the PSE&G sub-station.

This habitat occurs in very limited abundance in the general location of the Property. Additionally, this habitat is isolated in characteristics and is not part of or contiguous with any larger expanse of similar habitat.

Vegetation species predominantly occurring throughout this habitat are included in Table #4C.1.

TABLE #4C.1 VEGETATION SPECIES PREDOMINANTLY OCCURRING IN THE EARLY SUCCESSION FIELD (EF) HABITAT

COMMON NAME	SCIENTIFIC NAME	STRATUM
Aster, Bush	Aster dumosus	G
Aster, Heath	Aster ericoides	G
Avens, Rough	Geum laciniatum	G
Avens, White	Geum canadense	G
Bluestem	Andropogon gerardii	G
Cinquefoil, Dwarf	Potentilla canadensis	G
Clover, Red	Trifolium pratense	G
Clover, White	Trifolium repens	G
Fleabane, Daisy	Erigeron annuus	G
Foxtail	Setaria glauca	G
Goldenrod, Downy	Solidago puberula	G
Goldenrod, Early	Solidago juncea	G
Grasses	Panicum spp.	G
Grasses	Graminacea family	G
Grasses	Poaceae family	G
Honeysuckle, Japanese	Lonicera japonica	G

TABLE #4C.1 VEGETATION SPECIES PREDOMINANTLY OCCURRING IN THE EARLY SUCCESSION FIELD (EF) HABITAT

COMMON NAME	SCIENTIFIC NAME	STRATUM
Onion, Wild	Allium stellatum	G
Pansy, Field	Viola bicolor	G
Plaintain, Common	Plantago major	G
Poison Ivy	Toxicodendron radicans	G
Queen Anne's Lace	Daucus carota	G
Rose, Multiflora	Rosa multiflora	S
Strawberry	Fragaria virginiana	G
Thistle, Common Sow	Sonchus asper	G
Thistle, Field Sow	Sonchus arvensis	G
Yarrow	Achillea millefolium	G

KEY: C - Canopy S - Shrub Layer
SC - Subcanopy G - Ground Cover

Forested Habitat (F):

This natural habitat occurs throughout the northern and western-central regions of the Property. This natural habitat type consists predominantly of upland forest although wetlands have been delineated within the forested area in the northwestern corner and northeastern corner of the Property. The delineated forested wetlands are not large enough to provide separate and distinct habitat characteristics. Accordingly, the forested wetland areas are not separated and labeled as a separate habitat. This habitat was determined to occur in limited abundance immediately adjacent and to the west and north of the Property.

This natural habitat type was not determined to be unique to the general region nor was it determined to possess unique characteristics. Additionally, this habitat is isolated in characteristics and is not part of or contiguous with any larger expanse of similar habitat.

Canopy (tree layer) vegetation is high in coverage density (80-100% coverage) within this natural habitat. Subcanopy (understory layer) vegetation ranges from moderate to high in coverage density (50-90% coverage) within this habitat. Shrub layer vegetation is low to moderate in coverage density (20-60% coverage) within this habitat. Ground cover vegetation ranges from low to high in coverage density (10-100% coverage) within this habitat. Vegetation species predominantly occurring throughout this habitat are included in Table #4C.2.

TABLE #4C.2 VEGETATION SPECIES PREDOMINANTLY OCCURRING IN THE FORESTED (F) HABITAT

COMMON NAME	SCIENTIFIC NAME	STRATUM
Arrowwood	Viburnum dentatum	S
Ash, White	Fraxinus americana	C, SC
Blackberry	Rubrus alumnus	S
Blackhaw	Viburnum prunifolium	S
Cedar, Eastern Red	Juniperus virginiana	SC
Cherry, Black	Prunus serotina	C, SC, S
Cinquefoil, Dwarf	Potentilla canadensis	G
Elm, American	Ulmus americana	SC
Grape, Fox	Vitus labrusca	G
Grasses	Panicum spp.	G
Grasses	Graminacea family	G
Grasses	Poaceae family	G
Honeysuckle, Japanese	Lonicera japonica	G
Maple, Boxelder	Acer negundo	C, SC
Maple, Red	Acer rubrum	C, SC
Mosses	Variable	G
Mustard, Garlic	Alliaria petiolata	G

TABLE #4C.2 VEGETATION SPECIES PREDOMINANTLY OCCURRING IN THE FORESTED (F) HABITAT

COMMON NAME	SCIENTIFIC NAME	STRATUM
Oak, Pin	Quercus palustris	C, SC
Onion, Wild	Allium stellatum	G
Plaintain, Common	Plantago major	G
Poison Ivy	Toxicodendron radicans	G
Pokeweed	Phytolacca americana	G
Raspberry, Red	Rubus idaeus	S
Rose, Multiflora	Rosa multiflora	S
Sassafras	Sassafras albidum	C, SC, S
Violet, Common Blue	Viola papilionacea	G
Virginia Creeper	Parthenocissus quinquefolia	G

KEY: C - Canopy S - Shrub Layer
SC - Subcanopy G - Ground Cover

D. WATER RESOURCES

1. DRAINAGE

The Property is located in the Millstone River Watershed, Raritan River Drainage Basin. No streams exist on, adjacent or in the immediate vicinity of the Property. A narrow drainage feature exists adjacent to the northwestern border of the Property. This drainage feature only periodically conveys runoff waters and does not possess any aquatic community. Drainage of the Property and surrounding lands is ultimately associated with a tributary to Van Horn Brook which exists a distance to the north of the Property. Van Horn Brook ultimately flows into the Millstone River.

2. SURFACE WATER QUALITY

Van Horn Brook along with the relevant section of the Millstone River into which drainage of the Property and surrounding lands is ultimately associated are classified as an FW-2 Non-Trout Waters by the NJDEP. These classified waters are determined to be unable to support trout species throughout the entire year. Trout are generally used as indicator species of high quality waters because of the species' demand of well oxygenated, minimal sedimentation impacted and overall high quality waters.

E. JURISDICTIONAL FRESHWATER WETLANDS

1. JURISDICTIONAL WETLANDS DETERMINATION

The field determination of freshwater wetland areas is based on a three (3) parameter system of assessment which is described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" developed by the Interagency Cooperative consisting of the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS), the U.S. Soil Conservation Service (USSCS), and the U.S. Army Corps of Engineers (USACOE). This system of wetland assessment is currently accepted by the New Jersey Department of Environmental Protection (NJDEP). The three parameters of this system include:

1. Predominance of Hydrophytic Vegetation.
2. Occurrence of Hydric Soils.
3. Evidence of Hydrology.

According to said methodology, designated freshwater wetlands are those areas in which all three parameters are satisfied. However, certain circumstances may warrant a slight deviation regarding the requirements for wetland designation.

On October 22, 2003, the NJDEP issued a Wetlands Letter of Interpretation (LOI) (Appendix B) (NJDEP #:1813-03-0007.1 FWW030001) which verified the limits of wetlands and WTA on the Property. This NJDEP Wetlands LOI is presently valid in accordance with the latest amended Permit Extension Act of 2012 (PEA).

Non-isolated wetlands were determined to occur in the northwestern corner of the Property. Non-isolated wetlands were also determined to occur in the northeastern region of the Property. Isolated wetland areas were determined to occur in the southeastern region of the Property along with an area in the northeastern region.

2. WETLAND RESOURCE VALUE AND TRANSITION AREAS

As described in NJAC 7:7A-2.5, freshwater wetlands are divided into three classifications based on their determined resource value. Table #4E.1 illustrates the designation criteria utilized by the NJDEP in determining the Wetland Resource Value of a given wetland area.

TABLE #4E.1 WETLAND RESOURCE VALUE CLASSIFICATIONS

RESOURCE VALUE	CRITERIA FOR CLASSIFICATION
Exceptional Resource Value	• Discharge into FW-1 or FW-2 Trout Production Waters • Present or documented habitat utilized by threatened or endangered species
Ordinary Resource Value	• Do not satisfy criteria of Exceptional Resource Value • Isolated and more than 50% surrounded by development and less than 5000 sf in size • Man-made drainage ditches, detention facilities and swales
Intermediate Resource Value	• Those not defined as Exceptional or Ordinary Resource Value

As described in NJAC 7:7A-6, 7, 16.6 and 16.7, the wetland transition area (WTA) distance required from a wetland boundary is determined by the Wetland Resource Value assigned to the particular wetland area. Table #4E.2 illustrates the WTA distances required of the various Wetland Resource Value Classifications.

TABLE #4E.2 WETLAND TRANSITION AREA DISTANCES

WETLAND RESOURCE VALUE	WETLAND TRANSITION AREA DISTANCE
Exceptional Resource Value	150 feet
Intermediate Resource Value	50 feet
Ordinary Resource Value	0 feet

The NJDEP Wetlands LOI issued on October 22, 2003 (Appendix B) classified certain wetlands throughout the Property as ordinary resource value with the majority of the wetlands being classified as intermediate resource value.

F. WILDLIFE HABITAT AND UTILIZATION POTENTIAL

In accordance with the inventoried habitats associated with this Property, the ranges and preferred habitats of potentially occurring wildlife and threatened/endangered species were analyzed in relation to the geographic location of this area and to the habitat characteristics presently associated with this Property. Determinations were then made pertaining to the possibility of the occurrence of certain wildlife species in this area. Confirmation of wildlife and threatened/endangered species usage of the habitats associated with this Property was determined by actual sightings and/or observation of tracks, scats, vocal, and/or other apparent

signs. Rocks and logs were overturned, inspected, and then replaced in the preferred habitats of amphibian and reptilian species during this inventory process.

Based upon the field evaluation of the types and quality of existing natural habitats associated with the Property, determinations were made as to those wildlife species which have a significant potential of utilizing said habitats. Tables #4F.1, 4F.2 and 4F.3 include a listing of those wildlife species determined to have a significant potential of utilizing the habitats associated with the Property. Notation is made regarding those wildlife species whose occurrence on the Property was confirmed during field investigations.

The field inventory and evaluation of the natural habitats on and in the vicinity of the Property determined that the Early Succession Field and Forest habitats which exist on the Property do provide amenities with regard to wildlife utilization potential. The overall habitat complex of which these habitats are a part is primarily isolated and not expansive in size given the surrounding and adjacent development. However, these habitats do serve as suitable habitat for a variety of wildlife species although the population of wildlife supported by these habitats is limited due to the limited overall size of the habitat complex.

TABLE #4F.1 MAMMALIAN SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

COMMON NAME	SCIENTIFIC NAME	LOCATION ON SITE
Bat, Big Brown	Eptesicus fuscus	F, EF
Bat, Evening	Nycticeius humeralis	F, EF
Chipmunk, Eastern	Tamias straitus	F, EF
Coyote	Canis latrans	F, EF
Deer, White-tailed	Odocoileus virginianus	F, EF*
Fox, Gray	Urocyon cinereoargenteus	F, EF
Fox, Red	Vulpes vulpes	F*, EF
Mole, Eastern	Scalopus aquaticus	F*, EF
Mouse, Deer	Peromyscus maniculatus	F, EF
Mouse, House	Mus musculus	F, EF
Mouse, Meadow Jumping	Zapus hudsonicus	F, EF
Mouse, White-footed	Peromuscus leucopus	F, EF
Myotis, Keen's	Myotis keenii	F, EF
Myotis, Little Brown	Myotis lucifunus	F, EF
Myotis, Small-footed	Myotis leibii	F, EF
Opossum, Virginia	Didelphis virginiana	F*, EF
Rabbit, Eastern Cottontail	Sylvilagus floridanus	F*, EF*
Raccoon	Procyon lotor	F*, EF*
Rat, Norway	Rattus norvegicus	F, EF
Shrew, Short-tailed	Blarina brevicauda	F, EF
Skunk, Striped	Mephitis mephitis	F, EF
Squirrel, Gray	Sciurus carolinensis	F*, EF
Vole, Meadow	Microtus pennsylvanicus	F, EF
Weasel, Long-tailed	Mustela frenata	F, EF
Woodchuck	Marmota monax	F*, EF*

KEY: **D = Developed** **F = Forested lands**
EF = Early Succession Field *** = Confirmed during site inspection**

TABLE #4F.2 REPTILIAN AND AMPHIBIAN SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

COMMON NAME	SCIENTIFIC NAME	LOCATION ON SITE
Skink, Five-lined	Eumeces faciatus	F, EF
Snake, Black Racer	Coluber constrictor	F, EF
Snake, Black Rat	Elaphe obsoleta	F, EF
Snake, Eastern Garter	Thamnophis sirtalis	F*, EF
Snake, Northern Brown	Storeria dekayi	F, EF
Snake, Northern Water	Natrix sipedon	F, EF
Toad, American	Bufo americanus	F, EF
Turtle, Wood	Clemmys insculpta	F, EF
Turtle, Eastern Box	Terrapene carolina	F, EF

KEY: **D = Developed** **F = Forested lands**
EF = Early Succession Field * = Confirmed during site inspection

TABLE #4F.3 AVIAN SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

COMMON NAME	SCIENTIFIC NAME	LOCATION ON SITE
Blackbird, Red-winged	Agelaius phoeniceus	F, EF
Blue Jay	Cyanocitta cristata	F*, EF
Bluebird, Eastern	Sialia sialis	F, EF
Bobolink	Dolichonyx oryzivorus	F, EF
Bobwhite, Common	Colunus virginianus	F, EF
Bunting, Indigo	Passerina cyanea	F, EF
Cardinal, Northern	Cardinalis cardinalis	F*, EF*
Catbird, Gray	Dumetella carolinensis	F*, EF

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TABLE #4F.3 AVIAN SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

COMMON NAME	SCIENTIFIC NAME	LOCATION ON SITE
Chickadee, Black-capped	Parus atricapillus	F*, EF
Cowbird, Brown-headed	Molothrus ater	F, EF*
Creeper, Brown	Certhia familiaris	F, EF
Crow, American	Corvus brachyrhynchos	F*, EF*
Dove, Mourning	Zenaida macroura	F*, EF*
Dove, Rock	Columba livia	F*, EF
Finch, House	Carpodacus mexicanus	F*, EF
Finch, Purple	Carpodacus purpureus	F, EF
Flicker, Common	Colaptes auratus	F, EF*
Flycatcher, Great-crested	Myiarchus crinitus	F, EF
Flycatcher, Least	Empidonax minimus	F, EF
Goldfinch, American	Carduelis tristis	F, EF
Grackle, Common	Quiscalus quiscula	F, EF
Grosbeak, Evening	Hesperiphona vespertina	F, EF
Grosbeak, Rose-breasted	Pheucticus ludovicianus	F, EF
Hawk, Broad-winged	Buteo platypterus	F, EF
Hawk, Cooper's	Acciptier cooperil	F, EF
Hawk, Red-tailed	Buteo jamaicensis	F, EF*
Hawk, Sharp-shinned	Accipiter striatus	F, EF
Junco, Northern	Junco hyemalis	F*, EF
Kestrel, American	Falco sparverius	F, EF
Killdeer	Charadrius vociferus	F, EF
Mockingbird, Northern	Mimus polyglottos	F*, EF*
Nighthawk, Common	Chordeiles minor	F, EF
Nuthatch, Red-breasted	Sitta canadensis	F, EF
Nuthatch, White-breasted	Sitta carolinensis	F, EF
Oriole, Northern	Icterus galbula	F, EF

TABLE #4F.3 AVIAN SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

COMMON NAME	SCIENTIFIC NAME	LOCATION ON SITE
Owl, Barn	Tyto alba	F, EF
Owl, Common Screech	Otus asio	F, EF
Owl, Great-horned	Bubo virginianus	F, EF
Pewee, Eastern	Contopus virens	F, EF
Pheasant, Ring-Necked	Phasianus colchicus	F, EF
Phoebe, Eastern	Sayornis phoebe	F, EF
Robin, American	Turdus migratorius	F*, EF
Sandpiper, Upland	Bartramia longicauda	F, EF
Sparrow, Chipping	Spizella passerina	F, EF
Sparrow, Field	Spizella pusilla	F, EF
Sparrow, Fox	Passerella iliaca	F, EF
Sparrow, House	Passer domesticus	F*, EF*
Sparrow, Song	Melospiza melodia	F*, EF*
Sparrow, Tree	Spizella arborea	F, EF
Sparrow, White-throated	Zonotrichia albicollis	F*, EF*
Starling, European	Sturnus vulgaris	F*, EF*
Swallow, Barn	Hirundo rustica	F, EF
Swallow, Rough-winged	Stelgidopteryx ruficollis	F, EF
Swallow, Tree	Iridoprocne bicolor	F, EF*
Tanager, Scarlet	Piranga olivacea	F, EF
Titmouse, Tufted	Parus bicolor	F, EF
Towhee, Rufous-sided	Pipilo erythrphthalmus	F, EF
Vireo, Red-eyed	Vireo olivaceus	F, EF
Vulture, Turkey	Cathartes aura	F, EF*
Warbler, Black and White	Mniotilta varia	F, EF
Warbler, Blue-Winged	Vermivora pinus	F, EF
Warbler, Chestnut-Sided	Dendroica pensylvanica	F, EF

TABLE #4F.3 AVIAN SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

COMMON NAME	SCIENTIFIC NAME	LOCATION ON SITE
Warbler, Yellow	Dendroica petechia	F, EF
Warbler, Yellow-Rumped	Dendroica coronata	F, EF
Waxwing, Cedar	Bombycilla cedrorum	F, EF
Woodpecker, Downy	Picoides pubescens	F, EF
Woodpecker, Hairy	Picoides villosus	F, EF
Woodpecker, Red-Bellied	Melanerpes carolinus	F, EF
Wren, House	Troglodytes aedon	F*, EF
Yellowthroat	Geothypis trichas	F, EF

KEY: **D = Developed** **F = Forested lands**
EF = Early Succession Field * **= Confirmed during site inspection**

G. THREATENED/ENDANGERED SPECIES SUPPORT POTENTIAL

An Endangered Species is referred to as a native fish, wildlife, or vegetation species which is threatened with extinction whenever its existence is endangered because of actual or threatened habitat destruction, drastic modification, and/or severe curtailment; over exploitation; disease; predation; and/or other factors. The survival of such species requires assistance. A Threatened Species is referred to as a native fish, wildlife, or vegetation species which may become endangered if conditions surrounding the species begin or continue to deteriorate.

During field inspections of the Property, no threatened or endangered species were observed nor was there any indication as to their occurrences. However, existing habitats associated with this Property were analyzed in accordance with the ranges and preferred habitats of certain endangered species to determine if the occurrence of certain threatened and/or endangered species on this Property is a possibility. Due to the overall rarity of these particular

species, total absence of these species on the Property cannot be assumed based on the lack of their observation during this particular study. Similarly, their presence on the Property cannot be assumed just based on the availability of potential habitat and inclusion in the species' range.

Additionally, the endangered and threatened species database maintained by the New Jersey Natural Heritage Program (NJNHP) was consulted regarding the documented occurrence of such species on or in the vicinity of the Property. As of the preparation date of this report, the NJNHP Database Review has not been received from the NJDEP. However, the NJNHP utilizes Landscape Project Version 3.1 for the compilation of threatened and endangered species occurrences and species based habitat mapping associated with a project site and general area.

According to NJDEP Landscape Project Version 3.1 (Landscape Project), the Property may consist of Rank 4 Species Based Habitat (Appendix C). The Landscape Project indicates that potential habitat for the Bobcat (Lynx rufus) (State Endangered), Barred Owl (Strix varia) (State Threatened) and Wood Turtle (Glyptemys insculpta) (State Threatened) may be associated with a portion of the Property which is the reasoning for the Rank 4 classification. According to the Landscape Project, a Rank 3 Habitat may include State Threatened Species, Rank 4 Habitat may include State Endangered Species and Rank 5 may include Federally Listed Threatened/ Endangered Species..

Table #4G.1 includes a list of threatened and endangered species which have been documented in Somerset County and for whom suitable habitat may occur on or in the vicinity of the Property. The probability of occurrence of each threatened or endangered species as indicated in Table #4G.1 was derived upon evaluation of the type and amount of relevant on-site habitats and comparison to the preferred habitat of the particular species. Availability of a more preferred or prime habitat of a particular species in the general region of the Property was also taken into consideration when determining the indicated probability of the species' occurrence.

TABLE #4G.1 THREATENED AND ENDANGERED WILDLIFE SPECIES POTENTIALLY ASSOCIATED WITH THE PROPERTY

SPECIES	STATUS	PREFERRED HABITAT ASSOCIATED WITH THE PROPERTY	PROBABILITY OF UTILIZATION OF HABITAT ASSOCIATED WITH THE PROPERTY
Barred Owl (Strix varia)	ST	F	Minimal due to marginal habitat, small habitat size, habitat isolation and extent of surrounding disturbance.
Red-shouldered Hawk (Buteo lineatus)	ST (Breeding)	F	Minimal due to marginal habitat, habitat isolation and surrounding development.
Bobcat	SE	F	Minimal due to habitat isolation and extent of surrounding disturbance.
Red-Headed Woodpecker (Melanerpes erythrocephalus)	ST	F	Minimal due to lack of preferred habitat
Wood Turtle (Glyptemys insculpta)	ST	F	Low due to marginal habitat, habitat isolation, surrounding development and no proximity to streams.

KEY: **ST = State Threatened** **F= Forested Lands**
SE = State Endangered **EF = Succession Field**
U = Undetermined

Although the Property contains approximately six (6) acres of undeveloped, forested habitat, said habitat is isolated and not part of a larger contiguous habitat complex or corridor. Furthermore, the habitats associated with the Property are limited in size and availability. In addition, development and other disturbances encompass all lands immediately adjacent to the Property. Said property characteristics, habitat isolation along with the extent of adjacent and

surrounding development serve to diminish the threatened and endangered species utilization potential afforded by the Property. Given the relatively small amount of habitat provided along with characteristics of adjacent lands and extent of adjacent disturbances, it is determined that the threatened and endangered species utilization potential associated with the Property is very low. Furthermore, it is determined that the Property provides little, if any benefit to the threatened and endangered species resource of the general region.

H. UNIQUE NATURAL FEATURES

The Property consists of habitat types which are common to the general region and do not possess any habitat components which are determined to be unique. Accordingly, no features were determined to exist on or in the vicinity of the Property which could potentially be considered to possess unique qualities or amenities.

V. ANTICIPATED IMPACTS TO SELECTED NATURAL RESOURCES

A. SOILS

As described in Section IV-B (Selected Ecological Resources - Soils) of this report, the LhB soil type which occurs in the southernmost region of the Property and the ReB soil type which comprises the majority of the Property may possess development limitations due to wetness factors. Construction of the proposed improvements on the Property may be required to incorporate measures to minimize the significance of any soils related limitation. Results of site specific soils testing and evaluation have been incorporated into the engineering design of the proposed project.

B. VEGETATION AND NATURAL COMMUNITIES

As described in Section IV-C (Selected Natural Resources - Vegetation and Natural Communities) of this report, the Property was determined to be comprised of both forested and succession field habitats. The proposed development project along with the construction of a portion of the Connector Route #206 / Cherry Valley Road Connector will result in disturbance to the succession field habitat in its entirety. The proposed development project will result in the disturbance of approximately 4.3 acres of the existing forested habitat of the Property. Consequently, the proposed development of the Property will inevitably result in the significant alteration to the characteristics, function and amenities provided by the forested upland habitat associated with the Property. Accordingly, the succession habitat will be disturbed in its entirety and the forested upland habitat will be significantly impacted as a result of the undertaking of the proposed development project.

Whereas the habitats associated with the Property are isolated in characteristics and not part of a larger natural habitat complex or corridor, the development of the Property will not serve to fragment or otherwise impact a larger natural habitat complex or corridor beyond the limits of the Property. Therefore, whereas the proposed project will result in significant impacts to the vegetation and natural communities associated with the Property, said impacts are not anticipated to be significant from a regional perspective.

C. WATER RESOURCES

As described in Section IV-D (Selected Ecological Resources - Water Resources) of this report, no streams occur on or in the general region of the Property. Accordingly, the proposed project will not result in any impact to waters, riparian zones or aquatic communities. All stormwaters generated by the proposed project will be serviced by the proposed stormwater management system.

D. JURISDICTIONAL FRESHWATER WETLANDS

As described in Section IV-E (Selected Ecological Resources - Jurisdictional Freshwater Wetlands) of this report, it is determined and verified by the NJDEP Wetlands LOI (Appendix B) that jurisdictional wetlands and WTA occur on the Property. The proposed development project will include the disturbance to the isolated wetlands and the ordinary resource value ditches as permissible in accordance with the FWWPA and respective Statewide General Wetlands Permits (SGP). On October 5, 2006, the NJDEP issued an SGP #6 (disturbance of isolated wetlands), SGP #7 (disturbance of ordinary resource value wetland ditches), SGP#10A (minor roadway crossing of wetlands/WTA) and a Wetland Transition Area Averaging Plan Waiver (modification of standard WTA) (Appendix C). The authorized disturbance to jurisdictional wetlands and WTA is summarized as follows:

SGP #6 - Isolated Wetland Disturbance

Total Isolated Wetland Disturbance Per SGP #6: *0.427 acre*

SGP #7 - Ordinary Resource Value Wetland Ditch Disturbance

Total Wetland Ditch Disturbance Per SGP #7: *0.022 acre*

SGP #10A - Minor Roadway Crossing of Wetlands/WTA

Total Wetland/WTA Disturbance Per SGP #10A: *0.032 acre*

WTA Averaging Plan Waiver - WTA Modification

Total WTA Modification Per WTAW: *588 sf*

E. WILDLIFE HABITAT AND UTILIZATION POTENTIAL

As discussed in Section IV-F (Selected Natural Resources - Wildlife) of this report, the Property was determined to support the utilization potential for wildlife species whose preferred habitat includes that of succession field and forested habitats. However, species which prefer moderate to large contiguous tracts of said habitats and habitat corridors will not find this Property to be suitable given its small size, isolated characteristics and extent of surrounding development.

The proposed development of the Property will result in the complete alteration of the succession field habitat and will result in the significant alteration to the characteristics, function and amenities provided by the forested habitat associated with the Property. Consequently, any present wildlife utilization and support potential provided by the present habitats will be significantly diminished as a result of the undertaking of the proposed development project.

Whereas the habitat associated with the Property is isolated in characteristics and not part of a larger natural habitat complex or corridor, the development of the Property will not serve to fragment or otherwise impact a larger natural habitat complex or corridor beyond the limits of the Property. Therefore, whereas the proposed project will result in significant impacts to any wildlife resource presently associated with the Property, said impacts are not anticipated to be significant from a regional perspective given the isolated characteristics of the Property.

F. THREATENED AND ENDANGERED SPECIES SUPPORT POTENTIAL

As discussed in Section IV-G (Selected Natural Resources - Threatened and Endangered Species) of this report, the Property was determined to possess a negligible utilization potential by threatened and endangered wildlife species. Although the Property contains approximately

13+ acres of undeveloped habitat, said habitat is isolated and not part of a larger contiguous habitat complex or corridor. Furthermore, the habitats associated with the Property are very limited in size and availability. In addition, development and other disturbances encompass all lands immediately adjacent to the Property. Said Property characteristics, habitat isolation along with the extent of adjacent and surrounding development serve to diminish any threatened and endangered species utilization potential afforded by the Property. The proposed development and resulting alteration to the existing habitats will inevitably serve to further diminish any threatened and endangered species utilization or support potential provided by the Property.

Whereas the habitat associated with the Property is isolated in characteristics and not part of a larger natural habitat complex or corridor, the development of the Property will not serve to fragment or otherwise impact a larger natural habitat complex or corridor beyond the limits of the Property. Therefore, whereas the proposed project will diminish any threatened and endangered species utilization or support potential potentially provided by the Property, said impacts are not anticipated to be significant from a regional perspective given the isolated characteristics of the Property.

G. UNIQUE NATURAL FEATURES

As discussed in Section IV-H (Selected Ecological Resources - Unique Natural Features) of this report, no features of documented or potential unique significance were determined to exist on or in the vicinity of the Property. Therefore, the proposed development project will not result in any impact to this resource.

VI. REFERENCES

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VII. APPENDICES

APPENDIX A

FIGURES

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

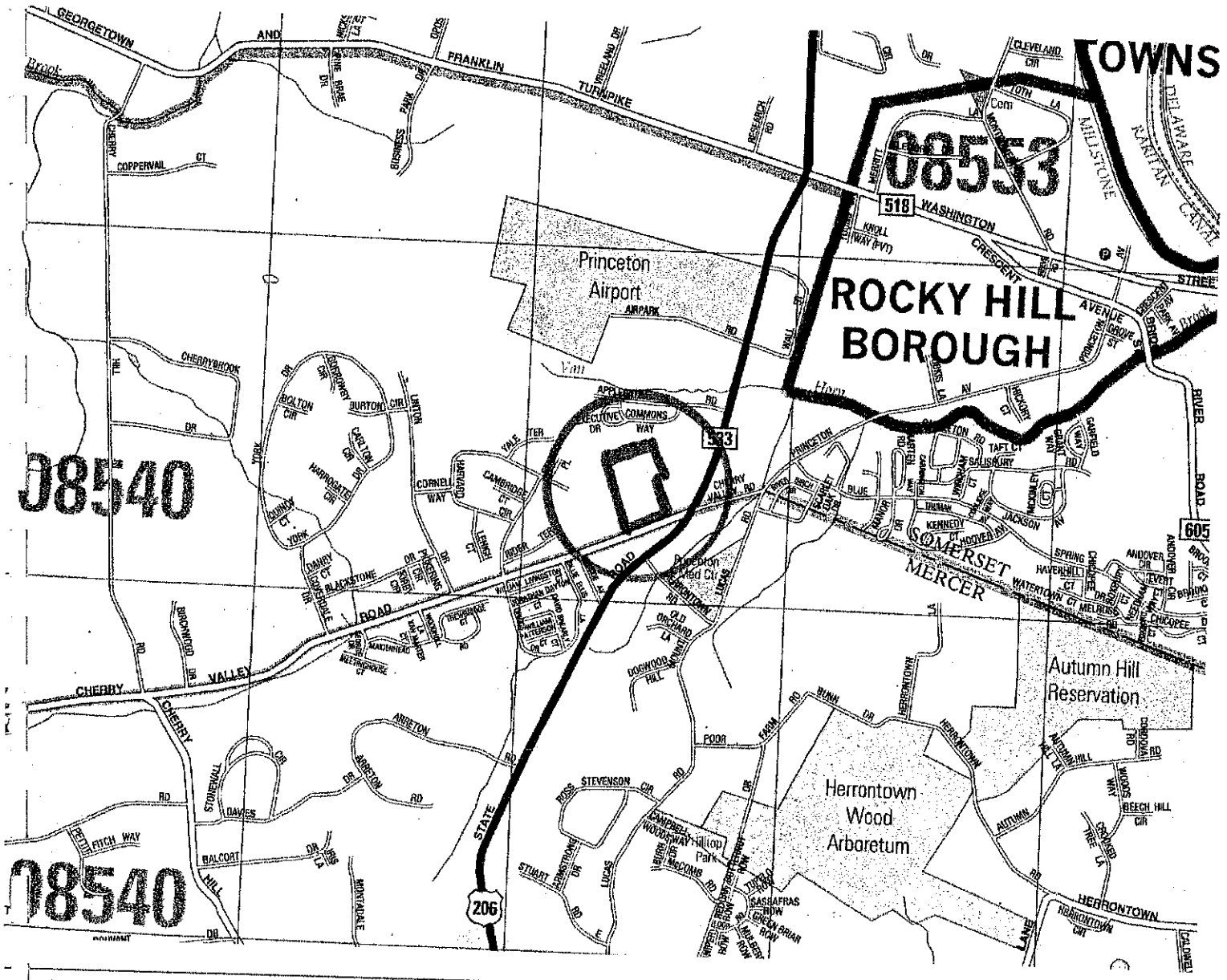

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FIGURE #A1
GENERAL LOCATION ROAD MAP

Data Source:

Hagstrom Road Map,
Somerset County,
New Jersey

Scale 1" = 3800'

ENVIRONMENTAL ASSOCIATES INC.

315 Mountain View Drive
Kunkletown, PA 18058

Phone: (610) 681-6030
Fax: (610) 681-6031

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

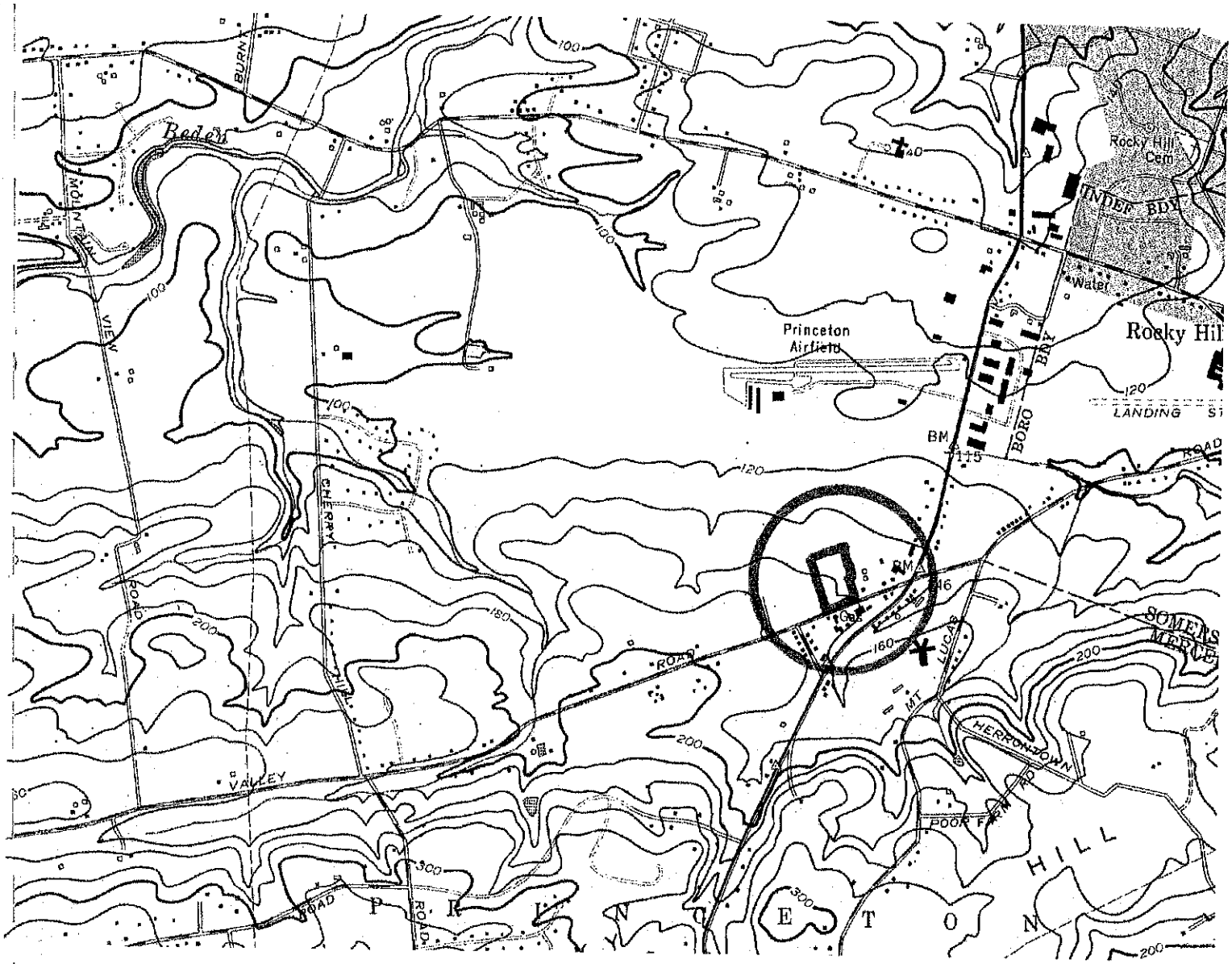

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FIGURE #A2
GENERAL LOCATION
USGS MAP

Data Source:

USGS Quadrangle Map,
Rocky Hill, New Jersey

Coordinates of Center of Property:

448248 feet East
567653 feet North

Scale 1" = 2000'

EASTERN STATES

ENVIRONMENTAL ASSOCIATES INC.

315 Mountain View Drive
Kunkletown, PA 18058

Phone: (610) 681-6030
Fax: (610) 681-6031

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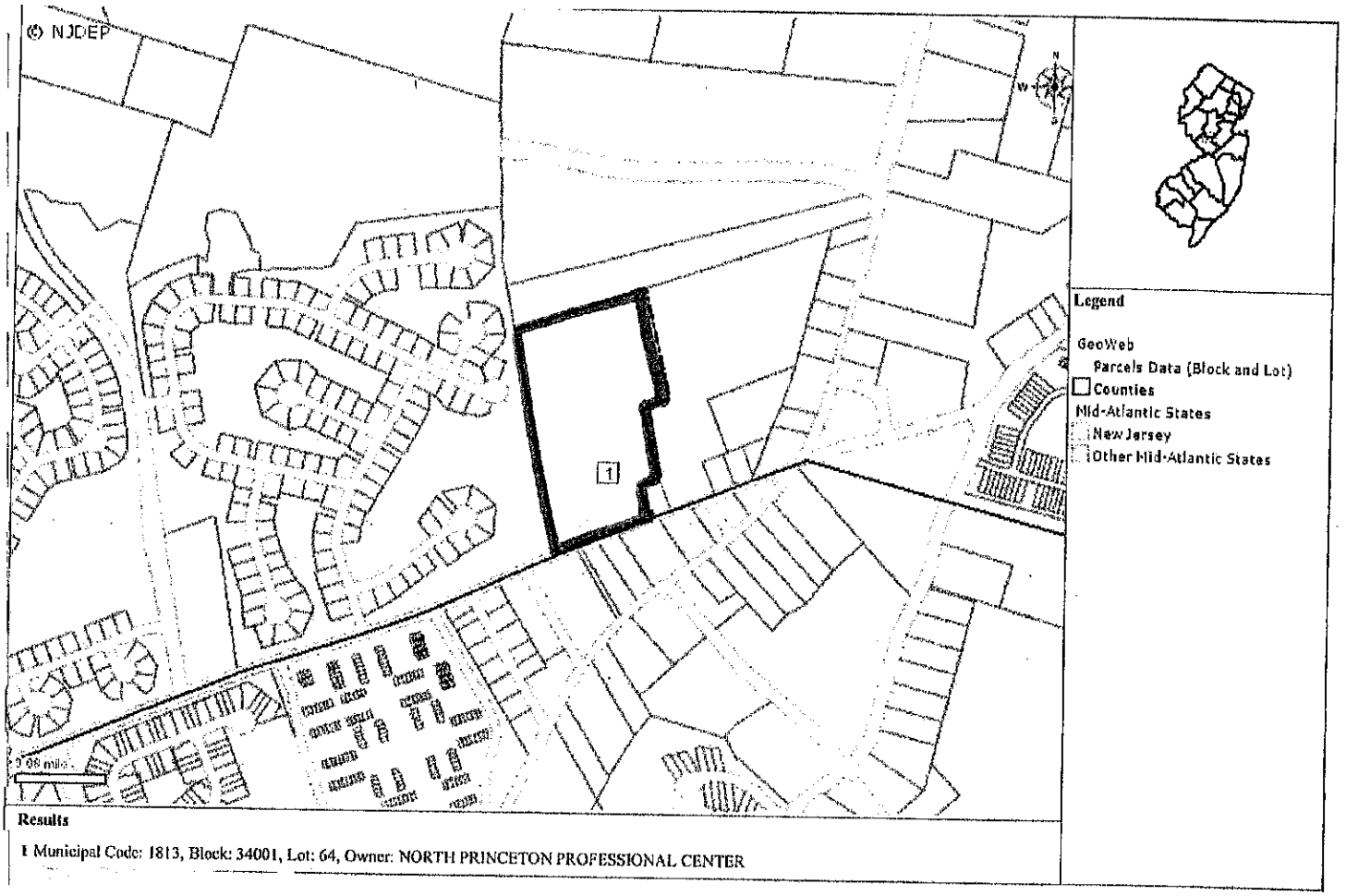

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FIGURE #A3
GENERAL LOCATION TAX MAP

Data Source:

Municipal Tax Map
Montgomery Township,
Somerset County,
New Jersey

EASTERN STATES
ENVIRONMENTAL ASSOCIATES INC.

315 Mountain View Drive
Kunkletown, PA 18058

Phone: (610) 681-6030
Fax: (610) 681-6031

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

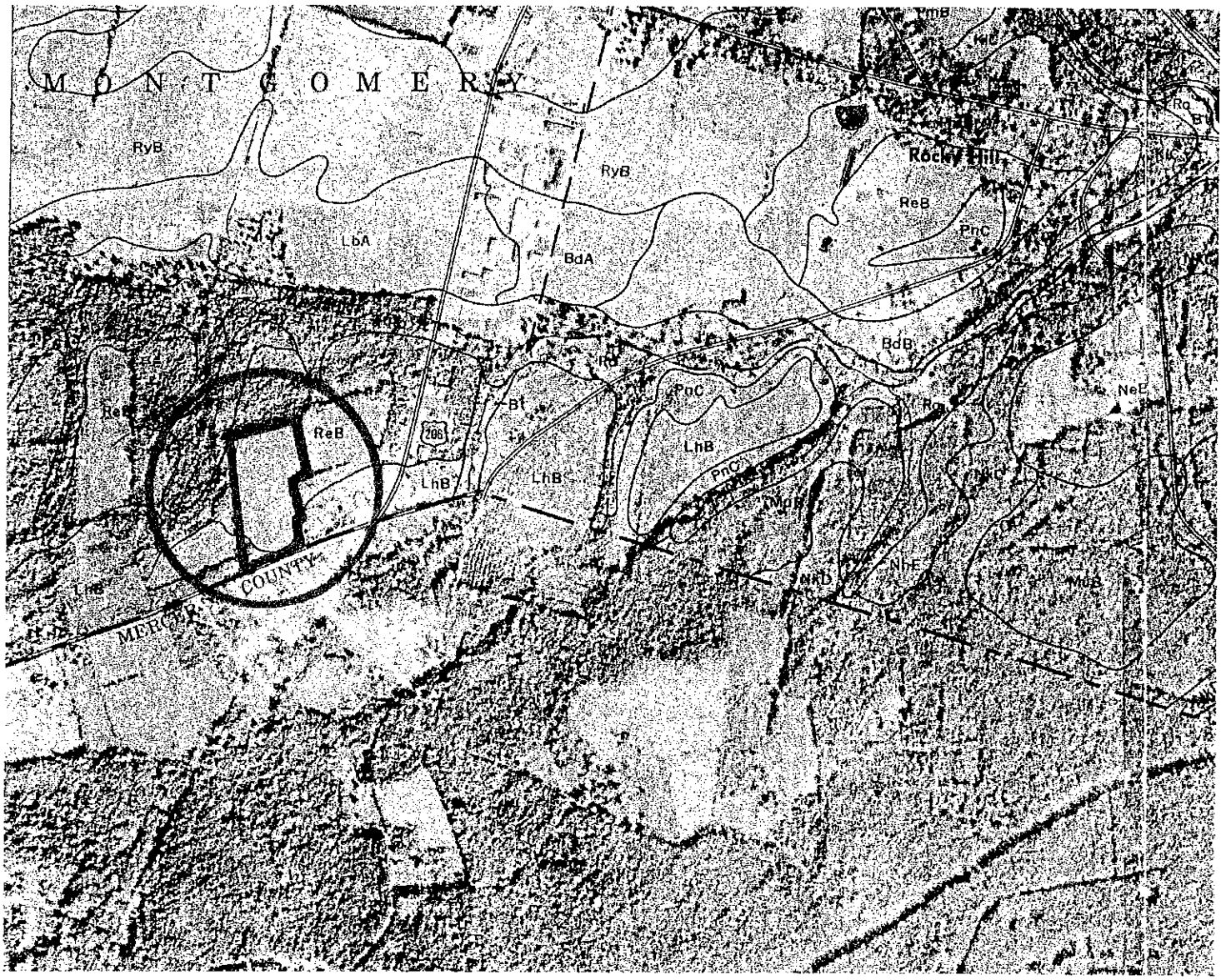

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FIGURE #A4
GENERAL LOCATION SOILS MAP

Data Source:

Sheet #42 of the Soil Survey of Somerset County, New Jersey (USSCS)

Scale 1" = 1320'

EASTERN STATES
ENVIRONMENTAL ASSOCIATES INC.

315 Mountain View Drive
Kunkletown, PA 18058

Phone: (610) 681-6030
Fax: (610) 681-6031

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

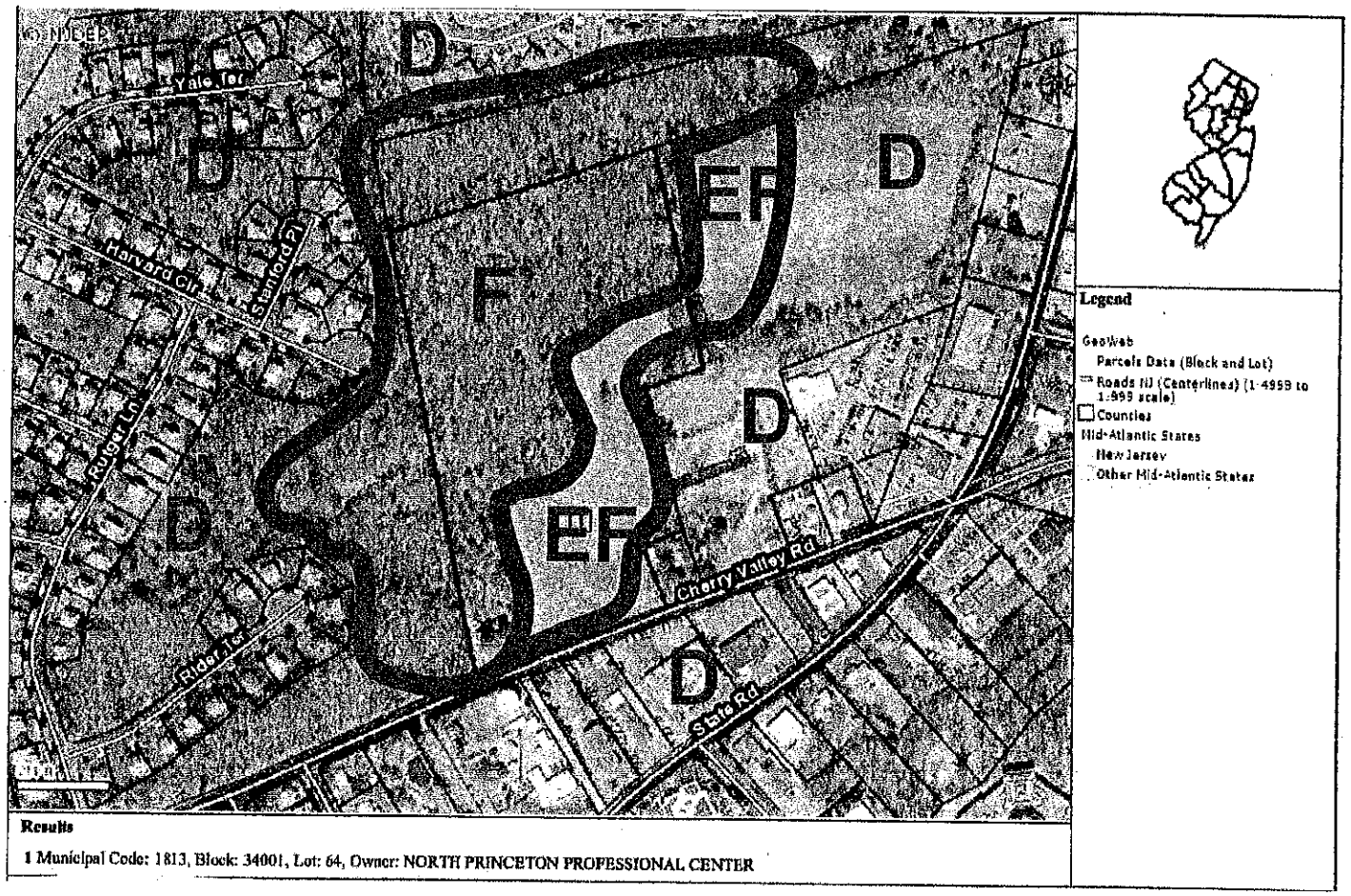

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FIGURE #A5
HABITAT MAP

Natural Habitats Associated with the Property.

D = Developed
EF = Early Succession Field Habitat
F = Forested Habitat

ENVIRONMENTAL ASSOCIATES INC.

315 Mountain View Drive
Kunkletown, PA 18058

Phone: (610) 681-6030
Fax: (610) 681-6031

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

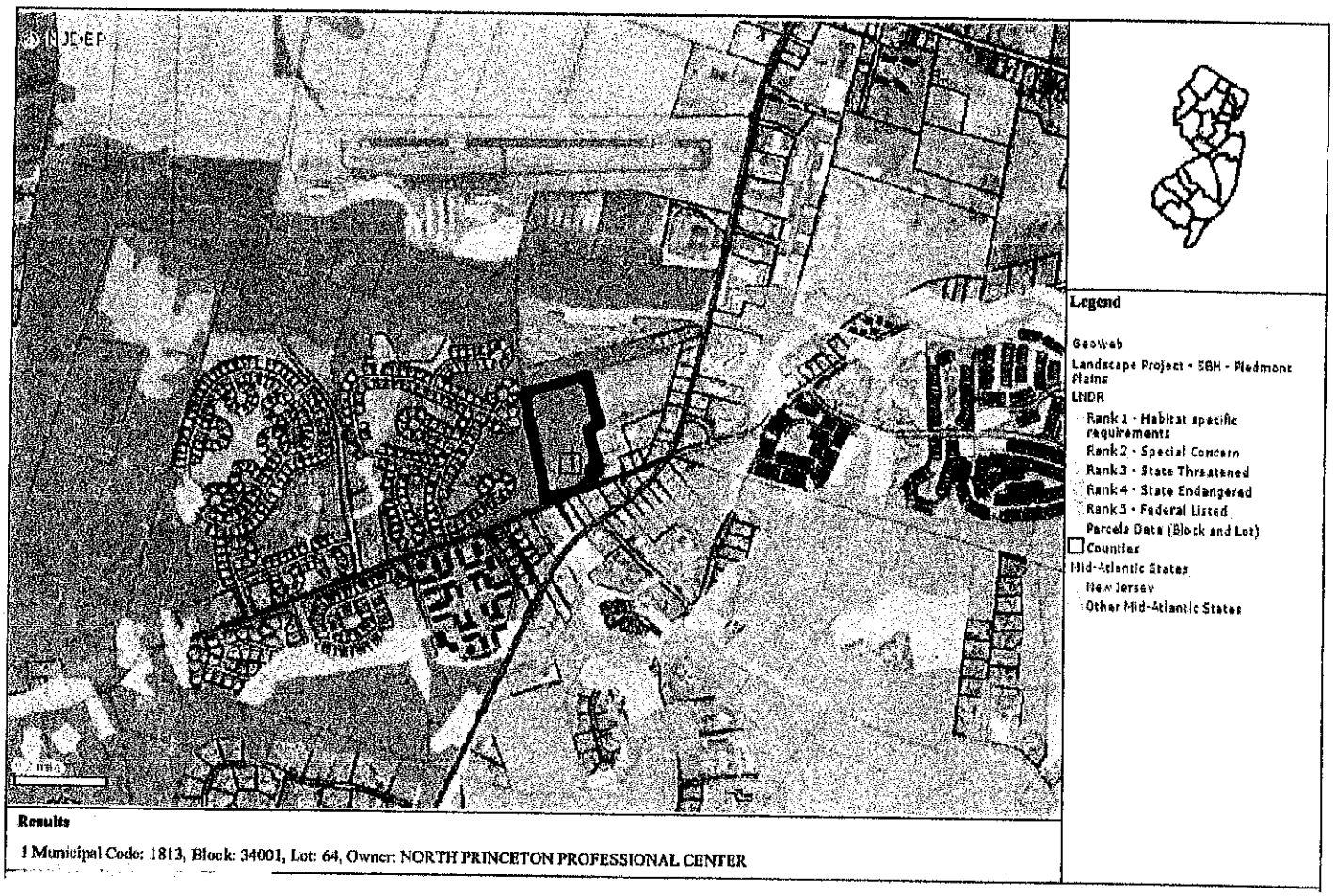

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FIGURE #A6
LANDSCAPE PROJECT MAPPING

Data Source:

NJ Geoweb,
Landscape Project
Version 3.1
Habitat Mapping

ENVIRONMENTAL ASSOCIATES INC.

315 Mountain View Drive
Kunkletown, PA 18058

Phone: (610) 681-6030
Fax: (610) 681-6031

APPENDIX B

NJDEP WETLANDS LETTER OF INTERPRETATION

James E. McGreevey
Governor

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

Bradley M. Campbell
Commissioner

Nancy Makofka
Potomac-Hudson Engineering, Inc.
81 Hwy 34 South
Colts Neck, NJ 07722

OCT 2 2 2003

RE: Letter of Interpretation/Line Verification
File No.: 1813-03-0007.1
Activity No.: FWW 030001
Applicant: North Princeton Professional Center
Block: 34001; Lot: 64
Montgomery Township, Somerset County

Dear Ms Makofka:

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, Land Use Regulation Program 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 upon site inspections conducted on June 16, 2003 and September 25, 2003, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled "WETLANDS DELINEATION MAP, FOR, BLOCK 34001 LOT 64, MONTGOMERY TOWNSHIP, SOMERSET COUNTY NEW JERSEY," dated March 28, 2003, last revised October 2, 2003, and prepared by Van Cleef Engineering Associates, 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 Program'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 LURP file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP File No.1813-03-0007.1 FWW030001."

In addition, the Department has determined that the wetlands on the subject property are of Intermediate and Ordinary resource values. The ordinary value wetlands are noted on the referenced plan by the following wetland location points: A-24 through A-35 and A-37 through A-45 are swales; H-1 through H-13 and G-1 through G-12 is a ditch. There is no standard transition area required adjacent to ordinary resource value wetlands. The remaining wetlands are intermediate resource value wetlands and the standard transition area required adjacent to these wetlands is 50 feet. It should be noted that wetland areas C, D, F and E have been considered by the Department to be isolated wetlands and are not a part of a surface water tributary system. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of 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 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.

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 of the decision date 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.

Please contact Kim Kessler of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,

Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Montgomery Township Clerk
Montgomery Township Construction Official

APPENDIX C

NJDEP
STATEWIDE GENERAL WETLANDS PERMIT
and WETLAND TRANSITION AREA WAIVER

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
P.O. Box 439, Trenton, New Jersey 08625
FAX # (609) 777-3656
Web Site: www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

OCT 05 2006

Glen Donahue
Potomoc-Hudson Engineering, Inc.
106 Apple Street, Suite 102
Tinton Falls, New Jersey 07724

RE: Authorization for Freshwater Wetlands Statewide General Permits, Transition Area Waiver for Access, Transition Area Waiver- Averaging Plan and Water Quality Certification
File No.: 1813-03-0007.1FWW050001(FWGP6), FWW050002(FWGP7), FWW050003(FWGP10A), FWW050004(TAW-AV)
Applicant: North Princeton Professional Center, LLC
Block: 34001 Lot: 64
Montgomery Township, Somerset County

Dear Mr. Donahue,

The Division of Land Use Regulation has reviewed the referenced application for Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

Prior to site preparation, the permittee shall submit a draft copy of the required conservation restrictions for review and written approval of the Division. Upon written approval of the drafts, final conservation restrictions shall be recorded with the property deed in the office of the County Clerk and proof of recordation shall be submitted to the Division. No site preparation or construction authorized by this permit shall commence until the approved conservation restrictions are recorded with the property deed in the office of the County Clerk.

Authorization for Statewide General Permits

Limit of Authorized Disturbance

Based on the plan prepared by Robert B. Heibell of Van Cleef Engineering Associates entitled, **"WETLAND PERMITTING PLAN FOR LOT 64 IN BLOCK 34001 MONTGOMERY TOWNSHIP SOMERSET COUNTY, NEW JERSEY", Sheet 3 of 3, dated April 26, 2005, last revised September 7,** 2006, the authorized activities involve the total disturbance of 0.481 of an acre of freshwater wetlands and transition area for the construction of a one-story office building and accommodating features. The project will permanently disturb 0.427 of an acre of freshwater wetlands under a Statewide General Permit 6, 0.022 of an acre of wetlands under a Statewide General Permit 7, and 0.032 of an acre of wetlands and transition area for the construction of a road crossing under a Statewide General Permit 10A. Any additional disturbance of freshwater wetlands, State open waters or transition area shall be considered a violation of the

Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et.seq.).

General conditions

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.

2. This permit is revocable, or subject to modification or change at any time, when in judgement of the Department of Environmental Protection of the State of New Jersey, such revocation, modification or change shall be necessary.

3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.

4. The activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.

5. No change in plans or specifications shall be made except with the prior written permission of the Department.

6. The granting of this authorization shall not be construed to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.

7. This authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.

8. A copy of this authorization shall be kept at the work site and shall be exhibited upon request of any person.

Waiver of Transition Area

The Division of Land Use Regulation has determined that the wetlands affected by this permit authorization are of intermediate and ordinary resource value. The standard transition area or buffer required adjacent to intermediate resource value wetlands is 50 feet. This waiver authorizes encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the authorized activities. This classification may affect the requirements for an Individual Wetlands Permit and Open Water Fill Permits (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of the property (see N.J.A.C. 7:7A-5) and the modifications available through the 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.

Any additional prohibited activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Prohibited activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Authorization for a Transition Area Waiver- Averaging Plan

This section is in response to your request for a transition area waiver-averaging plan to modify standard transition area on the above referenced property for the construction of a one-story office building and associated features.

As documented in the Division of Land Use Regulation File No. 1813-03-0007.1 it has been determined that the onsite freshwater wetlands are of intermediate and ordinary resource value. Pursuant to N.J.A.C. 7:7A-2.5, a standard transition area of 50 feet is required adjacent to wetlands of intermediate resource value. The submitted plan shows a modification to this standard transition area through the means of a transition area-averaging plan.

Section 7:7A-6 of the Freshwater Wetlands Protection Act Rules discusses the conditions under which the standard transition area may be modified if the Department determines that the modification will result in minimal environmental impacts and that the modified transition area will continue to feature the purposes and functions set forth in N.J.A.C. 7:7A-2.5(a). Based upon a review of the submitted information, the Department has determined that the proposed modified transition area boundary line as shown on the plan map referenced above will continue to meet the purposes and functions of a transition area as detailed in the Act and implementing rules providing the following conditions are met.

Conditions of Transition Area Waiver-Averaging Plan

In addition to the standard conditions set forth in section 7:7A-6, the following special conditions must be met for the activity authorized under this transition area waiver.

1. The transition area shall be reduced by 588 square feet and compensated by an equal or greater surface area as shown on the referenced plan.

2. The transition area shall not be reduced to less than 37 feet in width at any location as shown on the referenced plan.

3. The applicant/owner shall sign a Department approved conservation restriction for the modified transition area on the subject parcel(s) in accordance with N.J.A.C. 7:7A-6.1(h). The conservation restriction shall address all **wetlands and transition areas on site**, including both the boundary of the reduced area as well as the compensated area. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES), in the county wherein the lands included in the waiver are located. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys shall show the approved wetland and transition area boundaries. **Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act.** The conservation restriction should conform to the format and content of the attached model Declaration of Restriction for Modified Transition Area. Please submit a copy of the draft restriction to Susan Ford of this office for review, as well as the final restriction once filed.

Special Permit Conditions

1. Prior to the start of any construction on the project site, the applicant/owner shall sign a Department approved conservation restriction. The restriction must contain language to guarantee the continued maintenance of the proposed stormwater swales and detention/infiltration basin and to protect them from degradation or removal. This restriction shall be included on the deed, and recorded in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES), in the county wherein the lands included in this permit are located. Said restriction shall run with the land and be binding upon all successive owners. All future surveys of the property shall show the preserved areas. Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Stormwater Management Rules. **The conservation restriction should conform to the format and content of the attached model Declaration of Conservation Restriction (Drainage Structures).** Please submit a copy of the draft restriction to this office for review, as well as the final restriction once filed.

2. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuos implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.

3. This permit authorization does not include the portion of the access road outside the limit of disturbance as illustrated on the approved Wetland Permitting Plan.

Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.A.C. 13:9B-1 et seq). This determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

The freshwater wetlands and the transition area boundary line, 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/Transition Area Boundary Line as verified by NJDEP."

Appeal of Decision

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 decision date 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 you have any questions regarding this authorization, please contact Susan Ford of our staff at (609) 633-6754. Please reference the above file number.

Sincerely,

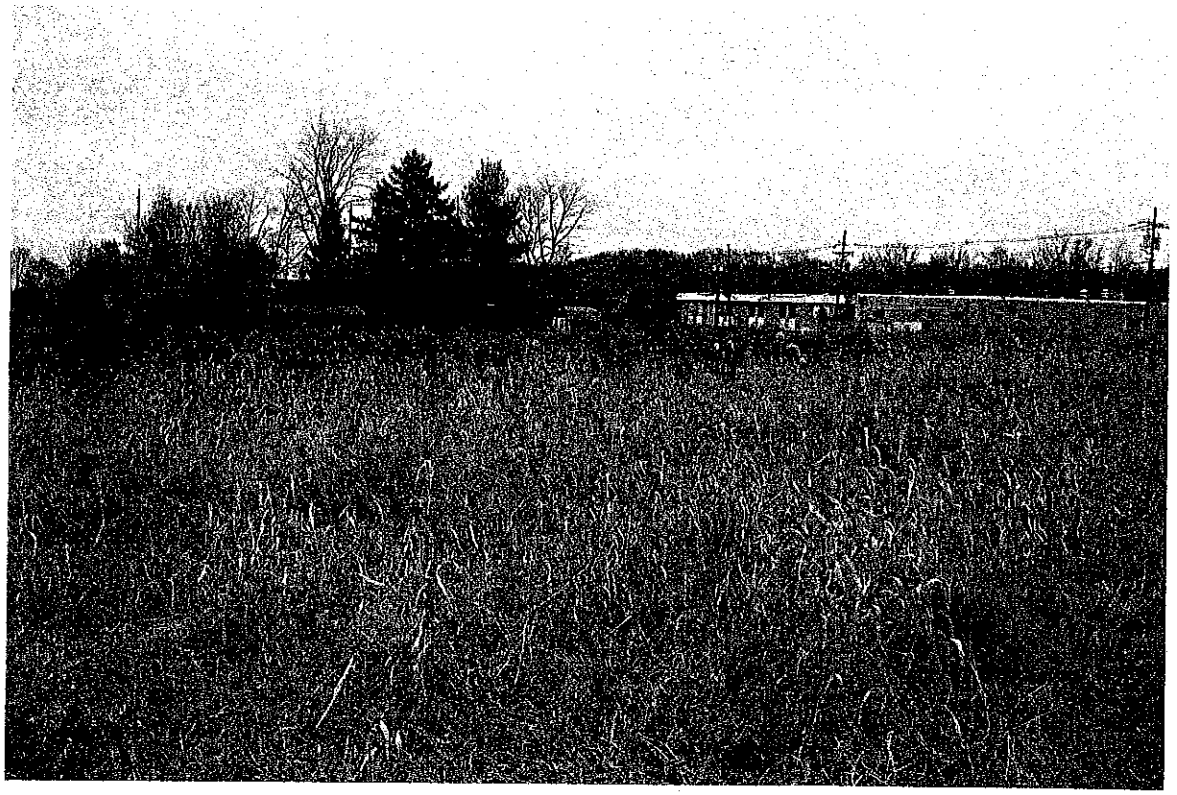
Christopher Jones
Section Chief
Bureau of Inland Regulation

c. Montgomery Township Construction Official
applicant

APPENDIX D

PHOTOGRAPHS OF THE PROJECT SITE

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.



PHOTOGRAPH #1

Early succession field habitat in the southern region of the Property.

EASTERN STATES
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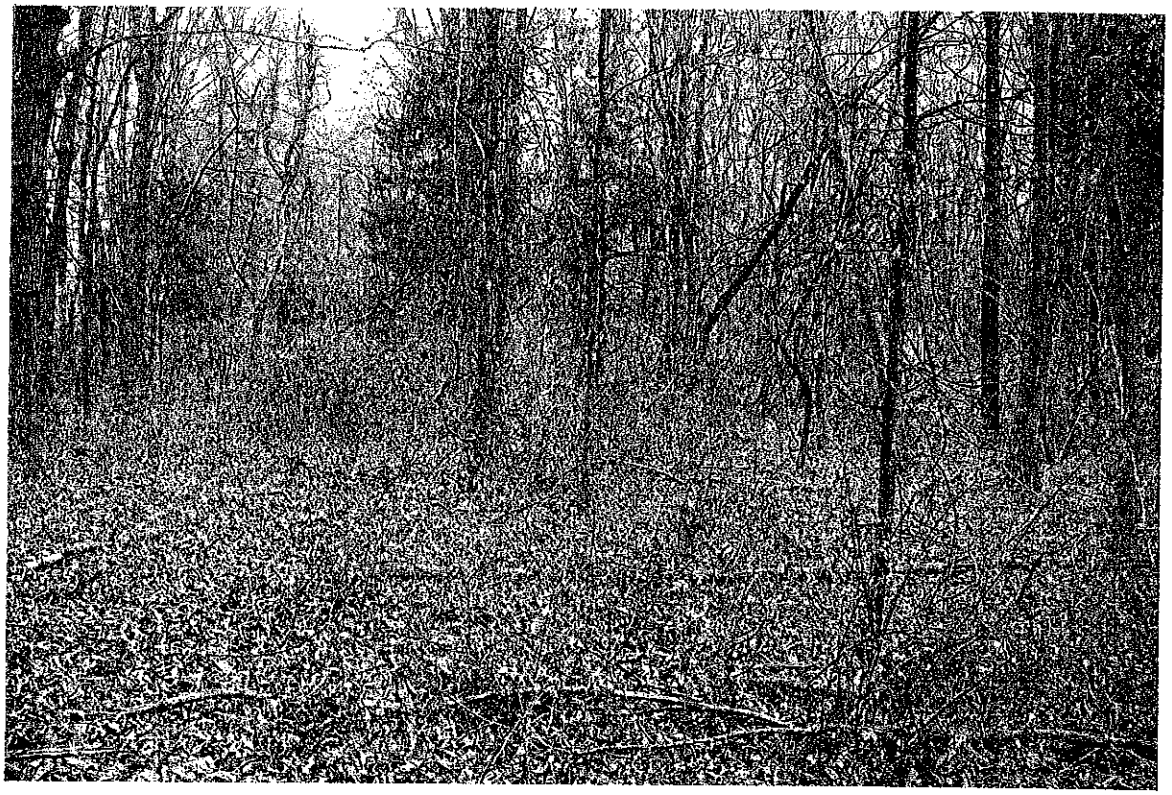
PHOTOGRAPH #2

Early succession field habitat in the eastern-central region of the Property.

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.



PHOTOGRAPH #3

Forested upland habitat in the central region of the Property.

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

PHOTOGRAPH #4

Forested upland habitat in the northern region of the Property.

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

PHOTOGRAPH #5

Forested wetland habitat in the northwestern region of the Property.

APPENDIX E

PROFESSIONAL CREDENTIALS

PRINCIPAL ECOLOGIST ASSIGNED TO THIS PROJECT:

Edward A. Kuc

Edward A. Kuc is a Natural Resource Ecologist by profession with areas of expertise including aquatic and terrestrial ecosystems, fisheries, wildlife (mammalian, avian, reptilian, amphibian), endangered wildlife and freshwater wetlands. Edward A. Kuc has conducted extensive research of these natural resources and has provided numerous Natural Resource Protection and Management Plans for federal, state and municipal environmental regulatory agencies as well as private enterprise.

Edward A. Kuc serves as Principal Environmental Specialist for Eastern States Environmental Associates, Inc. Responsibilities include the coordination, implementation and supervision of the many ecological inventory, assessment, management and mitigation projects undertaken by ESEA. Edward A. Kuc is extensively involved with regulatory compliance matters and serves as the chief representative of ESEA clients with regard to Federal, State and Municipal Environmental Permit Applications.

Prior to joining ESEA, Edward A. Kuc served as Supervisory Ecologist of a large New Jersey environmental consulting firm. Edward A. Kuc's responsibilities included the implementation and supervision of the natural resource inventories, impact assessment and management programs conducted by the organization. Edward A. Kuc was likewise responsible for the coordination and preparation of associated environmental documents and reports prepared by the organization.

Edward A. Kuc has served in the capacity of Fish and Wildlife Ecologist for the New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife. Edward A. Kuc was responsible for the collection and analysis of biological information pertaining to fishery population inventories, population reproduction, trout waters classification, fishery population introduction and population establishment, anadromous species migration and stream encroachment reviews. Edward A. Kuc was also responsible for the inventory, evaluation and habitat availability assessment of various wildlife species. Edward A. Kuc continued to be of service to the Division's Black Bear Project through the Wildlife Conservation Corps Program.

Edward A. Kuc served as a Research Biologist for the U.S.D.A. Forest Service in Clearwater National Forest, Idaho, where he was responsible for various fish and wildlife research and management programs. Edward A. Kuc was responsible for analysis of stream condition, riparian habitat quality, sport fishing population and salmonid spawning area potential. Edward A. Kuc implemented various stream and riparian habitat enhancement projects. Edward A. Kuc performed various surveys to determine fish species density for impact evaluation of various land use activities. Edward A. Kuc was responsible for habitat evaluations and population analysis of various large-game and non-game wildlife species and was responsible for the determination of Mountain Goat population dynamics and distribution among seasonal ranges.

Edward A. Kuc possesses a Bachelor of Science Degree in Natural Resource Management from Rutgers University - Cook College. Edward A. Kuc is affiliated with many professional organizations including The Wildlife Society, The American Fisheries Society, Society of Wetland Scientists, The Audubon Society, Association of Urban Wildlife Managers, The National Wildlife Federation and The Nature Conservancy. Edward A. Kuc has served as the President of the New Jersey Chapter of the Wildlife Society. Edward A. Kuc is certified as a Professional Wetland Scientist by the Society of Wetland Scientists. Edward A. Kuc has authored numerous technical reports and articles and has conducted many presentations and seminars pertaining to various Natural Resource related topics.