



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

Jay A. Grunin
Jaylin Holdings, LLC
Dover Esplanade, Building 1
1027 Hooper Ave
Toms River, NJ 08753

July 25, 2017

RE: Freshwater Wetlands Letter of Interpretation: Line Verification - **Amendment**
File No.: 1500-04-0001.3
Applicant: Jay A. Grunin, Jaylin Holdings, LLC
Block(s) and Lot(s): [44, 9]
Manchester Township, Ocean County

Dear Mr. Grunin:

The Division of Land Use Regulation (Division) issued a Letter of Interpretation for the referenced site on April 13, 2016. On June 1, 2017, the Division issued a letter proposing that the wetlands be reclassified to exceptional resource value due to recent threatened and endangered species information that was not available at the time the LOI was issued. **This amendment letter supersedes the Letter of Interpretation issued by the Division on April 13, 2016. Please be advised that the expiration date of April 12, 2021 remains unchanged.**

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, and upon a site inspection conducted by Division staff on February 10, 2016, the Division determined that the wetlands and waters boundary line(s) as shown on the Plan Sheet 1 of 1 entitled: **"BOUNDARY & WETLAND LOCATION SURVEY, LOT 9, BLOCK 44, 1801 NJSH ROUTE 37, TOWNSHIP OF MANCHESTER, OCEAN COUNTY, NEW JERSEY"**, prepared by Control Point Associates, Inc., and dated 8/6/2015, last revised 3/17/16, was and is accurate as shown.

Wetlands Resource Value Classification ("RVC")

PLEASE NOTE THE BIOLOGICAL RESOURCE CLASSIFICATION HAS CHANGED

Accordingly, because of the new documentation of a confirmed sighting for a state threatened species, Barred Owl, the Division has determined that the resource value and the

standard transition area or buffer required adjacent to the delineated wetlands are amended as follows:

Exceptional: All freshwater wetland flag points on or immediately adjacent to the above referenced site.

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.

Under NJSA 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.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to continue to rely upon this jurisdictional determination for a period of five years from November 10, 2015. Should new information be disclosed or discovered, the Division still 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 the permittee's responsibility to obtain any local, State, or Federal permits which may be required.

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 me by e-mail at ryan.anderson@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, Manager
Coastal Bureau
Division of Land Use Regulation

c: Municipal Clerk
Municipal Construction Official
Agent (original)

