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JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
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LISA P. JACKSON
Commissioner

Peter R. Eshewsky
Crest Engineering Associates, Inc.
100 Rike Drive (Millstone Township)
Englishtown, NJ 07726

MAY 03 2006

RE: Letter of Interpretation/Line Verification
File No.: 1319-03-0010.1
Activity No: FWW050001
Block: 42 Lot: 88
Township of Howell, Monmouth County

Dear Mr. Eshewsky:

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 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 on March 8, 2005, the Division of Land Use Regulation has determined that **the wetlands and waters boundary line(s) as shown on the plan map consisting of one sheet entitled "LOT 88 BLOCK 42 HOWELL TOWNSHIP MONMOUTH COUNTY, NEW JERSEY WETLANDS DELINEATION PLAN" dated 11/16/05, unrevised, and prepared by Crest Engineering Associates, Inc., is accurate as shown for the property in question.**

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-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 file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP, File #1319-03-0010.1, Activity #FWW050001."

The Department has determined that the wetlands depicted on the approved plan are of intermediate resource value, and require an associated transition area or buffer of 50 feet. It should be noted that this determination of wetland 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.

In addition, all wetlands that are a tributary to Barnegat Bay are designated as a "Priority Wetland" by the U.S. Environmental Protection Agency. 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 wetlands portion of this 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.

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, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact Andrew Dromboski of our staff at (609) 292-8262 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,


David B. Fanz, Supervisor
Bureau of Coastal Regulation

c: Township Clerk
Township Construction Official