



State of New Jersey

Department of Environmental Protection

Land Use Regulation Program

P.O. Box 439, Trenton, NJ 08625-0439

Fax # (609) 292-8115

Fax # (609) 777-3656

www.state.nj.us/landuse

Bradley M. Campbell
Commissioner

James E. McGreevey
Governor

OCT 20 2004

Gary A. DeRosa
P.O. Box 386
West Creek, NJ 08092

RE: Letter of Interpretation: Presence/Absence Determination
File No.: 1516-04-0030.1
Activity No.: FWW040001
Applicant: Gary A. DeRosa
Block: 189.01; Lots: 26-28
Township of Little Egg Harbor, Ocean County

Dear Mr. DeRosa:

This letter is in response to your request for a Letter of Interpretation from the Land Use Regulation Program indicating the presence or absence of 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 a site inspection conducted by the staff of the Program on October 6, 2003, the Land Use Regulation Program has determined that **freshwater wetlands and waters are not present** on the referenced property. In addition, the Department has determined that **no part of the above referenced property occurs within a transition area or buffer** as designated in N.J.A.C. 7:7A-2.5(d) and (e). **However, please be advised that there are mapped coastal wetlands on the property as shown on Coastal Wetlands Map #280-2100, dated August/September 1971, and as such is regulated pursuant to the Coastal Wetlands Act of 1970.** Please be advised that a buffer of up to 300 feet may be imposed adjacent to coastal wetlands.

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.

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 Ryan J. Anderson of our staff at (609) 292-8262 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 that reads "David B. Fanz". The signature is written in a cursive style with a large, sweeping initial "D".

David B. Fanz, Supervisor
Bureau of Coastal Regulation

c: Little Egg Harbor Township Clerk
Little Egg Harbor Township Construction Official