

Memorandum

From: John H. Heilferty
Principal Environmental Specialist
Division of Land Use Regulation

J. H. Heilferty 3/11/10

To: Eric Virostek, Project Manager
Division of Land Use Regulation

RE: CAFRA Compliance Review
DLUR File No. 1500-04-0001.2
Applicant: Jaylin Holdings, LLC
Block: 5055, Lots: 14 & 15
Township of Dover
Block: 44, Lots: 2, 3, 4 (part) & 5
Township of Manchester
Ocean County, New Jersey

Date: March 11, 2010

Review findings and recommendation concerning CAFRA Application # 1500-04-0001.2
Applicant: Jaylin Holdings

Applicable regulatory standard: N.J.A.C. 7:7E-3.39, "Critical Wildlife Habitats"

Critical wildlife habitats are specific areas known to serve an essential role in maintaining wildlife, particularly in wintering, breeding, and migrating. Development that would directly or through secondary impacts on the relevant site or in the surrounding region adversely affect critical wildlife habitats is discouraged, unless minimal feasible interference with the habitat can be demonstrated; there is no prudent or feasible alternative location for the development; and the proposal includes appropriate mitigation measures. The Department will review proposals on a case-by-case basis.

The referenced site contains approximately 39 acres of forest habitat which the Department considers to be "critical wildlife habitat" due to its functioning as migratory songbird stopover habitat. Additionally, this forest area contains a small isolated wetland which functions as a vernal habitat, providing critical breeding or foraging habitat for a local population of amphibians, as well as related site wildlife. Approximately 21.4 acres of forest are proposed to be developed, and this disturbance will include a 0.47 acre disturbance to the vernal habitat.

The permittee proposes to mitigate for this disturbance via the preservation of approximately 20.91 acres of remaining on-site forest, as well as two off-site mitigation parcels. One of the parcels (Manchester Twp. Tax Parcel block 75.01, lot 3) is 21± acres in size, is forested and is located immediately adjacent to the site. The Department has determined that permanent preservation of approximately 42± acres of forested critical wildlife habitat for use as migratory bird stopover habitat represents an appropriate mitigative measure. Additionally, the applicant has proposed to compensate for the impact to the vernal habitat via a concept plan submitted which would create a 1 acre vernal habitat on the subject site. The applicant notes that “upon approval of the concept plan, a detailed “Vernal Habitat Mitigation Report” including target species and their ecology, project goals, design information, and maintenance plans will be provided to the Department for final approval.” While the specific details of this concept plan have not been approved, including its acceptable location in relation to other Special Areas such as endangered and threatened species habitats, the applicant’s good faith proposal to mitigate for this vernal habitat impact would, upon final approval of the Department, appropriately mitigate for impacts to this specific area of critical wildlife habitat.

Upon final Department approval of the proposed off-site parcel(s) preservation *and* of the vernal habitat mitigation concept plan, the applicant will be found to be in compliance with this rule.