



September 19, 2016

NJ Department of Environmental Protection  
Administrative Support  
Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, NJ 08625-0420

**Re: Jackson Parke, EL at Jackson LLC, Block 10401, Lots 5.01, 5.04 and Block 17802, Lot 57.01, Jackson Township, Ocean County**

Dear Sir:

The Pinelands Preservation Alliance, NJ Chapter of Sierra Club, Save Barnegat Bay and NJ Conservation Foundation are submitting these comments in response to the notice provided by Partner Engineering and Science to the residents surrounding the above project site. EL at Jackson is requesting a Freshwater Wetland Letter of Interpretation and a Special Activity Transition Area Waiver permit.

This site is within the Pinelands National Reserve, but outside of the area managed by CAFRA or the Pinelands Commission. Thus, any development in the area is controlled directly by the Comprehensive Management Plan for the Pinelands National Reserve. Pursuant to the National Parks and Recreation Act of 1978, and in accordance with the management plan for this area, "no development shall occur within 300 feet of a wetland, except for those uses which are permitted in wetlands unless the applicant for development approval can demonstrate that the proposed development will not adversely affect the character of the wetland." We object to issuance of any wetland delineation (LOI) for this site which does not require a three hundred foot (300) buffer/transition area around all identified wetlands on the above lots.

EL at Jackson is also requesting a Special Activity Transition Area Waiver permit for the wetland buffer on Lot 5.01. The regulations that allow for this permit state the department can issue such a permit "only if the activities will not result in a substantial impact on the adjacent freshwater wetlands and if the proposed project will minimize impacts to the freshwater wetland and transition area." Neither can be accomplished by the applicant because the wetlands on lot 5.01 are the headwaters of the Toms River and contain habitats for threatened and endangered species. Any activities within 300 feet will have a substantial impact to the larger wetland complex.

We are opposed to any reduction of the buffers through the issuance of a Special Activity Transition Waiver. Reduction of these buffers will result in significant environmental impacts both on site and downstream in and out of the Pinelands Protection Area. Reducing the buffer size on the northern portion of the wetlands,

on lot 5.01, while increasing the buffer on the southern portion does not protect the overall water quality of the total wetland complex.

The wetland systems on this project site are all connected and produce the headwaters of the Toms River which discharges many miles down stream into the Barnegat Bay. Both the Department and the Pinelands Commission have recognized the importance of all the wetlands associated with the Toms River Corridor.

The Department has given the streams on this site a designation of Category One waters. When this stream leaves the EL at Jackson site it enters into the Pinelands Protection Area. In 2004, the Pinelands Commission issued a Toms River Corridor Plan. This plan called for enhanced use of conservation easements and permanent land protection efforts in both Jackson and Manchester Townships. It increased protections for sensitive areas and expanded a wildlife habitat buffer to 600 feet along the entire stem of the Toms River. All these protection measures will only work if you begin at the top, the headwaters and wetlands on lot 5.01.

The regulations for Special Activity Transition Waivers requires the applicant to prove that the impacts from building a portion of the community center building, a patio, residential buildings and a parking lot will result in no significant environmental impacts. The applicant has not supplied any evidence to show they have looked at all the alternatives and that they have minimized the impacts of this development. The applicant feels that elimination of some of their development would pose a financial hardship, and that this supposed hardship satisfies the requirement to allow them to impact the adjacent wetland communities. If the fact that meeting wetlands protection rules means you cannot build in a wetland buffer where is the grounds to waive the buffer, the protection would be meaningless. We feel that this development will destroy and adversely modify wetlands that are documented habitat for threatened and endangered species and a waiver should not be granted.

Respectfully submitted,

Theresa Lettman, Pinelands Preservation Alliance  
17 Pemberton Road, Southampton, NJ 08088

Jeff Tittel, Director, NJ Chapter of Sierra Club  
145 West Hanover Street, Trenton, NJ 08618

Britta Wenzel, Executive Director, Save Barnegat Bay  
725-B Mantoloking Road, Brick, NJ 08723

Emile DeVito, Director of Science and Stewardship, NJ Conservation Foundation  
170 Longview Road, Far Hills, NJ 07931

cc: Charles Horner, NJ Pinelands Commission (via email)