



June 30, 2017

**via** certified mail and email [larry.torok@dep.nj.gov](mailto:larry.torok@dep.nj.gov)

Larry Torok  
NJDEP Land Use Regulation Program  
NJDEP, Mail Code 501-402A  
P.O. Box 402  
Trenton, NJ 08625-0402

Re: Freshwater Wetlands Letter of Interpretation: Line Verification  
File # 1500-04-0001.3  
Activity # FWW150001  
Applicant: JAYLIN HOLDINGS LLC  
Block 44 Lot 9, approximately 1801 New Jersey State Highway 37  
Manchester Township, Ocean County

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Dear Mr. Torok,

I am writing on behalf of the Pinelands Preservation Alliance and Save Barnegat Bay to provide comments in support of the Threatened and Endangered Unit's May 23<sup>rd</sup> recommendation to reclassify the entire wetland on the Manchester Site as exceptional resource value.

The Manchester Site wetland has already been identified as a critical habitat for at least three threatened species (Pine Barrens Treefrog, Northern Pine Snake, and Barred Owl) during NJDEP site inspections in October 2015 and April 2017, as well as a GZA GeoEnvironmental Inc. site inspection in June 2016.<sup>1</sup>

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<sup>1</sup> The GZA GeoEnvironmental Inc. surveyors also identified five species of concern at the Manchester Site: Brown Thrasher, Least Flycatcher, Great Blue Heron, Veery, and Whip-Poor-Will. Finally, these surveyors analyzed the habitat mosaic at the Site, and determined that it was consistent with the jurisdictional life history parameters and ecologic tenancy metrics for seven threatened and endangered species: Barred Owl, Red-Shouldered Hawk, Red-Headed Woodpecker, Corn Snake, Southern Gray Treefrog, Northern Long Eared Bat, and Little Brown Bat.

On May 24, 2017, Emile DeVito, Ph.D., and Ryan Rebozo, Ph.D., conducted another site visit along the publicly accessible railroad track right of way south of the development site proper. Dr. DeVito and Dr. Rebozo confirmed that the property is a critical habitat for Pine Barrens Treefrog and Barred Owl, observed two more species of concern,<sup>2</sup> and finally observed many other species thriving on the Manchester Site. Their observations follow below.

The evening of the site visit (approximately 20:00-21:00) was 56°F, 80% humidity, overcast sky, and east 9mph winds. It had rained several days of the week preceding the site visit.

At the time of the site visit, the sides of the railroad right of way were flooded and serving as a corridor between the two streams, as shown in figure 1. Pine Barrens Treefrogs (*Hyla andersonii*) were vocalizing on the southern side of the railroad ROW, and vegetation consistent with Pine Barrens Treefrog habitat was found along the portion of the property bordering the ROW. The large swath of available habitat, characteristic plant species, large tree sizes, areas of open understory, and closed canopy were all consistent with Pine Barrens Treefrog habitat for breeding, resting and/or feeding.

Throughout the flooded areas, Northern Gray Treefrogs (*Hyla versicolor*), spring peepers (*Pseudacris crucifer*), and green frogs (*Lithobates clamitans*) were all vocalizing, indicating that these areas are serving as vernal habitat. Dr. DeVito would expect, in these areas, for spadefoot toads (*Scaphiopus holbrookii*) to be calling once their breeding period begins.

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<sup>2</sup> Drs. DeVito and Rebozo heard Fowler's toad (*Anaxyrus fowleri*) vocalization and observed common nighthawk *Chrodeiles minor*).

The gaps between the vernal habitats, including across the ROW, are small – less than 150 feet. During flooded periods, the frog species are able to utilize any of these vernal pools for breeding. These observations support the conclusion that Pine Barrens Treefrogs are able to utilize the entirety of the wetland complex under the correct conditions, i.e. in times of sufficient rainfall. The available habitat and presence of Pine Barrens Treefrog is an additional fact in support for the exceptional resource value designation.

Data from the Landscape Project, in addition to findings made during the application project, indicate the presence of Northern Pine Snake habitat throughout the site. The NJDEP Protocols for the Establishment of Exceptional Resource Value Wetlands Pursuant to the Freshwater Wetlands Protection Act sets forth that the method for identifying present or documented habitat for threatened or endangered species is the use of the Landscape Project method. Data for the Landscape Project has been collected and vetted for many years. The presence of Northern Pine Snake, a threatened species, is another reason to designate the wetland area as exceptional resource value.

## CONCLUSION

For all of these reasons, the Pinelands Preservation Alliance and Save Barnegat Bay support the Threatened and Endangered Unit's recommendation to reclassify the entire wetland at the Manchester Site as exceptional resource value.

Sincerely yours,

/s/ Raghu Murthy  
Raghu Murthy

c: *via* email

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**Figure 1:** Dr. DeVito's approximation of vernal habitat the evening of May 24, 2017. The Pine Barrens Treefrogs south of the ROW were vocalizing that evening, as were the green frogs, Northern Gray Treefrogs, Fowlers toads, and spring peepers. The Pine Barrens Treefrogs indicated to the north of the ROW are derived from vocalizations heard during a prior site visit.