



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10/30/2020

ORM Number: NAP-2020-00762-95

Associated JDs: N/A

Review Area Location¹: State/Territory: New Jersey City: Waretown/Ocean Township

County/Parish/Borough: Ocean

Center Coordinates of Review Area: Latitude 39.789943°N Longitude -74.184723°W

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Feature A	0.25	acre(s)	(b)(1) Non-adjacent wetland.	Feature A was determined by USACE to be a freshwater non-adjacent wetland. Rationale for this determination is the absence of a hydrological connection between Feature A and Waters of the U.S. as per the definition of "adjacent wetland" in the 22 June 2020 Navigable Waters Protection Rule.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Drawing E-1, entitled "Plot Plan", prepared by East Coast Engineering, Inc., dated 23 June 2020, and last revised by USACE on 30 October, 2020; and data sheets prepared by Israel Berrios of DuBois & Associates on 04 August 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial and Other: Aerial and Site Photos dated 29 July 2020](#)
- ☒ Corps site visit(s) conducted on: [28 October 2020 by Robert Youhas, Biologist, CENAP-Regulatory Branch, Applications Section II.](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☐ USDA NRCS Soil Survey: .
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- ☐ USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [N/A.](#)

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



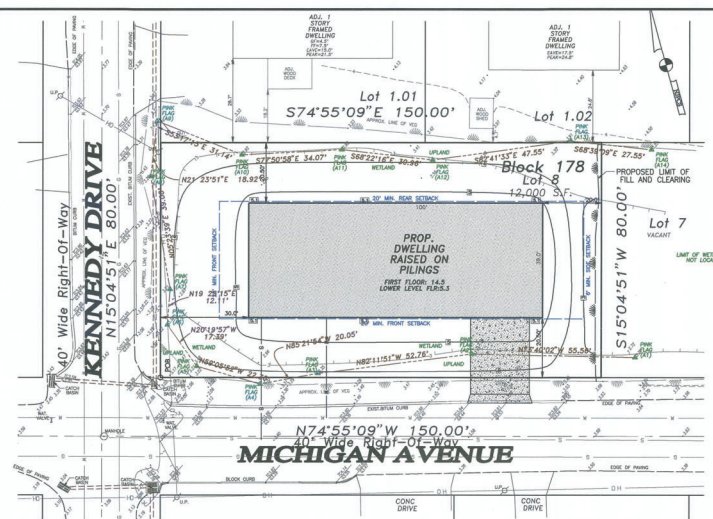
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C. Additional comments to support AJD:

As per Section IIIA (page 2) of the 04 March 1997 Memorandum of Agreement (MOA) between the State of New Jersey and the Department of the Army regarding "assumption" Section 404 of the Clean Water Act of 1977 as amended:

"All Waters of the U.S., as defined at 40 C.F.R. Section 232.2(q), within the State of New Jersey, will be regulated by the New Jersey Department of Environmental Protection as part of their State program, with the exception of those waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary highwater mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, including wetlands adjacent thereto. For the purposes of this agreement, the Corps will retain regulatory authority over those wetlands that are partially or entirely located within 1000 feet of the ordinary high water mark or mean high tide of the Delaware River, Greenwood Lake, and all water bodies which are subject to the ebb and flow of the tide."

Feature A at the subject property is located approximately 466.0-linear feet from the mean high water mark of Barnegat Bay, a Section 10 waterbody subject to the ebb and flow of tide. Thus, in accordance with the 04 March 1997 MOA between the State of New Jersey and the Department of the Army, Feature A falls under the jurisdiction of the Department of the Army (USACE). Feature A was determined by USACE to be a freshwater non-adjacent wetland. Rationale for this determination is the absence of a hydrological connection between Feature A and Waters of the U.S. (Barnegat Bay) as per the definition of "adjacent wetland" in the 22 June 2020 Navigable Waters Protection Rule.



Feature A

ADJACENT PROPERTY

R-BH ZONE SCHEDULE

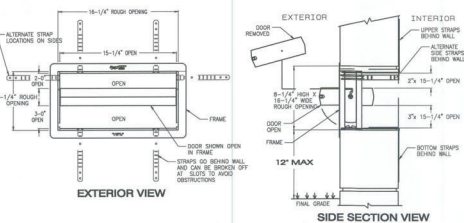
R-BH ZONE REQUIREMENTS	REQUIRED	PROPOSED
MINIMUM LOT AREA:	4,800 S.F.	12,000 S.F.
MINIMUM LOT WIDTH:	60.0 FT.	150.0 FT.
MINIMUM LOT DEPTH:	80.0 FT.	80.00 FT.
MINIMUM LOT COVERAGE:	25.5 %	25.5 %
MAXIMUM IMPERVIOUS COVERAGE:	55 %	36 %
MINIMUM FRONT SETBACK:		
(MICHIGAN AVENUE)	20.0 FT.	30.5 FT.
(KENNEDY DRIVE)	30.0 FT.	30.5 FT.
MINIMUM SIDE YARD SETBACK:	6.0 FT.	20.0 FT.
MINIMUM REAR SETBACK:	20.5 FT.	20.5 FT.
MAXIMUM BUILDING HEIGHT:	32 FT.	25 FT.

N/A = PROPOSED VARIANCE CONDITION	(1) = INCLUDES DRILLING & COVERED PORCH.
DND = EXISTING NON-CORPORATING CONFORMING.	(2) = INCLUDES WALKS, DECK & STEPS.
N/C = NO CHANGE	
N/A = NOT APPLICABLE	

FILL SUMMARY

AREA OF SITE	12,000 SF
AREA OF WETLANDS ON SITE	10,780 SF
AREA WETLANDS TO BE FILLED	10,780 SF

Smart VENT BLOCK OR POURED INSTALLATION INSTRUCTIONS



1. BRIDGE AND CLEAN 16-1/4" WIDE BY 8-1/4" HIGH RIDGE OPENING FOR EACH VENT.
2. PRELIMINARILY, 1" BORE HOLES TO BE DRILLED THROUGH THE POLE NO MORE THAN 1/2" ABOVE FRAMING.
3. BRIDGE THICKNESS AND BOND (MORE THAN 90°) STRAPS AT NEAREST SLOT.
4. MEASURE FROM POINTING LINE TO THE CENTER OF THE HOLES.
5. REMOVE THE BRIDGE AND STRAPS DOWN, ROTATE BOTH DOOR OUTWARD AND
AND SIDE OUT OF RADIUS.
6. REMOVE THE BRIDGE AND STRAPS FROM BOTH TOP SETS OF SLOTS IN FRAME FORWARD. AFTER PUSHING
THROUGH FRAME, REMOVE BOTH SETS. ONLY PUSH STRAPS ONE CLICK INTO FRONT SLOTS.
7. CALK MAY BE APPLIED BEHIND FRONT FRAME FLANGE. SLID FRAME TO TOP GOSTS
THROUGH FRAME. REMOVE STRAPS FROM FRONT SLOTS.
8. REMOVE THE BRIDGE AND STRAPS FROM BOTH TOP SETS OF SLOTS IN FRAME
AND OPENING SO THAT FLANGE GOES RIGHT TO THE END OF THE SLOTS. REMOVE
STRAPS FROM BOTH TOP SETS OF SLOTS. REMOVE BOTH SETS STRAPS THROUGH BOTH
SETS OF SLOTS IN FRAME. FRAME WOULD BE READY TO BE RAISED TO FACE AND SECOND
SET OF SLOTS IN FRAME.
9. REMOVE THE BRIDGE AND STRAPS FROM BOTH TOP SETS OF SLOTS IN FRAME
AND OPENING SO THAT FLANGE GOES RIGHT TO THE END OF THE SLOTS. REMOVE
STRAPS FROM BOTH TOP SETS OF SLOTS. REMOVE BOTH SETS STRAPS THROUGH BOTH
SETS OF SLOTS IN FRAME.
10. INSTALL CORK STRIPS BY APPLYING STRIPS TO THE INSIDE OF EACH PLASTIC POOR AND FRONT
FACE OF EACH STRAP. STRIPS TO BE 1/2" WIDE BY 1/4" THICK.
11. EACH SIDE AND SLOTS ON SLOTS OF FRAME.
12. REMOVE THE BRIDGE AND STRAPS FROM BOTH TOP SETS OF SLOTS IN FRAME
AND OPENING SO THAT FLANGE GOES RIGHT TO THE END OF THE SLOTS. REMOVE
STRAPS FROM BOTH TOP SETS OF SLOTS. REMOVE BOTH SETS STRAPS THROUGH BOTH
SETS OF SLOTS IN FRAME.
13. SLID THE BOTTOM OF DOOR DOWN SO THE DOOR RESTS DOWN INTO THE FRAME.



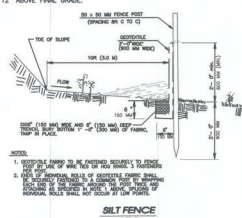
Smart VENT
888-628 4115 WWW.SMARTVENT.COM

FLOOD ZONE NOTES

1. WHEN THE DWELLING TO BE CONSTRUCTED IS LOCATED IN A FLOOD ZONE ALL CONSTRUCTION SHALL COMPLY WITH IRC R323.1.
2. THE FINISHED FLOOR ELEVATION SHALL BE AT LEAST 1 FOOT ABOVE THE BASE FLOOD ELEVATION OR ADVISORY BASE FLOOD ELEVATION WHICHEVER IS GREATER. THE OWNER SHALL BE RESPONSIBLE TO COMPENSATE A PROFESSIONAL ENGINEER TO DETERMINE THE BASE FLOOD ELEVATION, EXISTING GRADE ELEVATIONS, NEW FINISHED GRADE ELEVATION AND THE DWELLING FINISHED FLOOR ELEVATION.
3. NO H.V.A.C. DUCT, HEATER, FURNACE, PUMP, ELECTRICAL SWITCH, OR ELECTRICAL OUTLETS SHALL BE BELOW THE BASE FLOOD ELEVATION.
4. ALL STRUCTURAL MEMBERS SHALL HAVE ADDITIONAL ANCHORAGE TO RESIST FLOTATION BY MEANS OF HURRICANE CLIPS.
5. THE FINISHED GRADE UNDER THE HOME SHALL NOT BE BELOW THE EXTERIOR FINISHED GRADE.
6. EXTERIOR CONSTRUCTION SHALL BE DESIGNED TO INSURE THAT ALL CONSTRUCTION IS IN COMPLIANCE WITH L.R.C. R323 WHEN THE DWELLING IS CONSTRUCTED IN A FLOOD ZONE.

REQUIRED FLOOD OPENING VENTILATION

ENCLOSED CRAWL SPACE AREA = 3900 S.F. (ASSUMES ONE ENCLOSED SPACE - NO INTERIOR PARTITIONS)
REQUIRED VENTILATION IS 30 IN. OF CLEAR OPENING PER 1 S.F. OF ENCLOSED AREA.
SMART VENTS PROVIDE 200 S.I. "FLAT" OPENING
20 SMART VENTS REQUIRED IN THE GARAGE/STORAGE FOUNDATION.
VENTS SHALL NOT BE GREATER THAN 12" ABOVE FINAL GRADE.



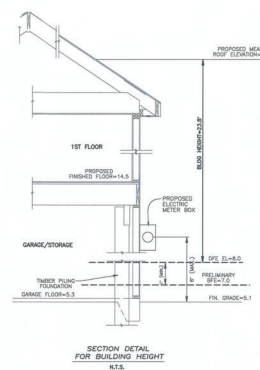
SILT FENS
NTS

SITE
SCALE: 1"=20FT

SCALE: 1"=20FT

GENERAL NOTES:

1. THE APPLICANT PROPOSES TO CONSTRUCT A NEW 1 STORY DWELLING ON WOOD PLANT FOUNDATION AREA BELOW THE HOME WILL BE EXCISED AND PROVIDE FLOOD ELEVATION.
2. PROPOSED FINISHED FLOOR ELEVATION 14.8
3. PROPOSED CHIM. SPACE FLOOR ELEVATION ***** 0.30 (BASED ON PROPOSED)
4. PLAN BASED ON SURVEY WORK BY EAST COAST ENGINEERING, INC.-AS-2020
5. ELEVATIONS SHOWN ON PLAN ARE BASED ON 1980 NAVD.
6. PROPERTY LOCATED IN 1ST ZONE AS SHOWN ON PLAN MAP 340200414F, EFFECTIVE DATE SEPTEMBER 29, 2006.
- ***** PER FIRM PRELIMINARY FIRM MAP 3402004140 THIS SITE IS LOCATED IN ZONE "A" (EL 7' MINORS), EFFECTIVE 1-20-2015.
7. PROPOSED FINISHED FLOOR HAZARD AREA ELEVATION ON THE SITE IS 7.179/7.045 AND THE REGULATORY FLOOD ZONE IS 6.5.
8. THE FINISHED FLOOR ELEVATION IS SET 7 FEET GREATER THAN THE REFERENCED FLOOD 1980 NAVD ELEVATION. OF 1.9 METERS WHICH IS CONSISTENT WITH THE 1980 NAVD CONSTRUCTION.
9. WATER AND SEWER SERVICE IS TO BE PROVIDED BY MUNICIPAL UTILITIES.
10. IMPROVED UTILITY LOCATIONS SHOWN ON PLAN ARE PICTORIAL AND SHALL BE FIELD DETERMINED DURING CONSTRUCTION.
11. HOUSE DIMENSIONS PROVIDED BY HOMEOWNER.
12. STORMWATER RUNOFF IS TO BE DIRECTED TOWARD PERMEABLE SURFACES AND ROADWAY.
13. NO PLASTIC LANS ARE TO BE USED UNDER STONE, GRAVEL, OR LANDSCAPED AREAS.
14. THE DISTURBED AREAS OF THE SIFT WILL BE STABILIZED IN ACCORDANCE WITH THE STANDARDS FOR EROSION PROOFING AND SEDIMENT CONTROL, N.C.A.C. 15A-0100, WHICH SHALL BE THE MINIMUM REQUIREMENTS FOR THE UNIFORM CONSTRUCTION CODE AT N.J.A.C. 5.2-3.
15. THE DWELLING WILL BE REQUIRED TO HAVE FLOOD VENTS. CHIM. SPACE SHALL BE CONSTRUCTED AT ELEVATION 5.3.
16. DISCLOSE OTHER THAN GARAGE BELOW THE BUILDING LANE: CRAWL SPACE, CRAWLSPACE, ENTRY, ACCESS ETC. WILL MEET ALL THE REQUIREMENTS SET FORTH AT N.J.A.C.713-12.60
17. DISCLOSE OTHER THAN GARAGE BELOW THE BUILDING LANE: CRAWL SPACE, CRAWLSPACE, ENTRY, ACCESS ETC. WILL BE CONSTRUCTED TO MEET ALL THE REQUIREMENTS SET FORTH AT N.J.A.C. 5.2-3.
18. GARAGE CONSTRUCTION WILL MEET ALL THE REQUIREMENTS SET FORTH AT N.J.A.C.713-12.60
19. GARAGE DISCLOSES WILL BE CONSTRUCTED TO MEET ALL THE REQUIREMENTS SET FORTH AT N.J.A.C. 5.2-3.
20. BUILDER TO VERIFY THAT THE VERTICAL DIMENSION OF THE BUILDING MEASUREMENTS FROM 1'-FOOT ABOVE THE FLOOD HAZARD AREA ELEVATION TO THE TOP OF THE ROOF SHALL BE MEASURED FROM THE DATES OF THE PRELIMINARY WORK MAPS ETC. 1' = 0.30
21. PROPOSED DECKS AND/OR PORCHES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH FLOOD HAZARD AREA ELEVATION 6.5 TO EXCEED 1'-0" BY RULE 11B-CONSTRUCTION OF A DECK.
22. A BUILDER WITH A FLOOR THAT IS NOT ONE FOOT ABOVE THE FLOOD HAZARD ELEVATION IS NOT PERMITTED.
23. FLOODER SHALL VERIFY THAT DWELLING IS CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE BUILDING REQUIREMENTS FOR FLOOD HAZARD AREAS SUCH AS FLOOD VENTS, DAMAGED UTILITIES, ETC.
24. ALL AREAS OF THE YARD NOT LABELED OTHERWISE SHALL BE LOCUS STONE.
25. ALL EXISTING UTILITY LOCATIONS SHALL BE FIELD DETERMINED BY THE OWNER. WATER SPOCKET SHALL NOT BE INSTALLED GREATER THAN 5 FEET ABOVE FINISHED GRADE ON A PACE PLATFORM WILL BE FIELD DETERMINED TO CONFORM TO 11B-CONSTRUCTION OF A DECK.
26. PARKING REQUIRED: 3 BEDROOM HOUSE REQUIRES 2 PARKING SPACES, 2 PARKING SPACES PROPOSED.



SITE ADDRESS:
101 MICHIGAN AVENUE

OWNER/APPLICANT:
NANCY CAVAN
175 ROBERTS AVENUE
GLENSIDE PA 19038

META DATA

UNITS: USFT

HORIZONTAL DATUM: NAD83(2011)2010.00
VERTICAL DATUM: NAVD88(GEOID12B)

PLOT PLAN

PREPARED FOR
NANCY CAVAN

BLOCK 178 LOT 8
OCEAN COUNTY, NEW JERSEY

OCEAN TOWNSHIP

East Coast Engineering, Inc.
JAY F. PETERSON, P.E., P.
ROBERT J. HARRINGTON, P.E.
JASON M. MARCIANO, P.E.

JOB No. 20200147		TAX MAP SHEET No. 22	(732) 244-3030 VOICE	508 MAIN STREET
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DRAWN BY: R.J.H.	SCALE: AS SHOWN	(800) 693-2600 VOICE	TOMBS RIVER, NJ 08753
		(732) 244-3044 FAX	www.eceinc.net

PREPARED BY: RUM	DATE PREPARED: 06/23/2020	CERTIFICATE OF AUTHORIZATION No. 245027532600
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but 11/11/11

Oct 15, 2020

JAY E. PIERSON P.I.S. P.R. ROBERT F. HARRINGTON R.E.

NEW JERSEY PROFESSIONAL LAND SURVEYOR 27492
NEW JERSEY PROFESSIONAL PLANNER 02525

Project Desc.: Path: J:\2020\20200147\20200147.pro Plot Date/Time: Thu Oct 15, 2020 / 16:10:52