



**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): 6/11/2021  
 ORM Number: NAP-2021-00496-95  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: New Jersey City: Waretown/Ocean Township  
 County/Parish/Borough: Ocean  
 Center Coordinates of Review Area: Latitude 39.790158 Longitude -74.18583

**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 or describe rationale.
- 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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
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.

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.

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.

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

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Feature A	0.22 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: "Plot Plan, Prepared For: Allan & Carol Fall, Block 184, Lot 9, Ocean Township, Ocean County, New Jersey", prepared by East Coast Engineering, Inc., Sheet E-1, December 30, 2020, last revised June 11, 2021 by USACE.

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: GoogleEarth Aerial Photo: 20 May 2019; Site Photos: 08 June 2021.
- Corps site visit(s) conducted on: 08 June 2021 by Robert Youhas, Biologist, CENAP-Regulatory Branch, Application 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: NRCS Soil Survey for 95 Michigan Avenue, Waretown, NJ; <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- USFWS NWI maps: USFWS NWI map for Waretown, NJ from <https://www.fws.gov/wetlands/data/mapper.html>
- 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

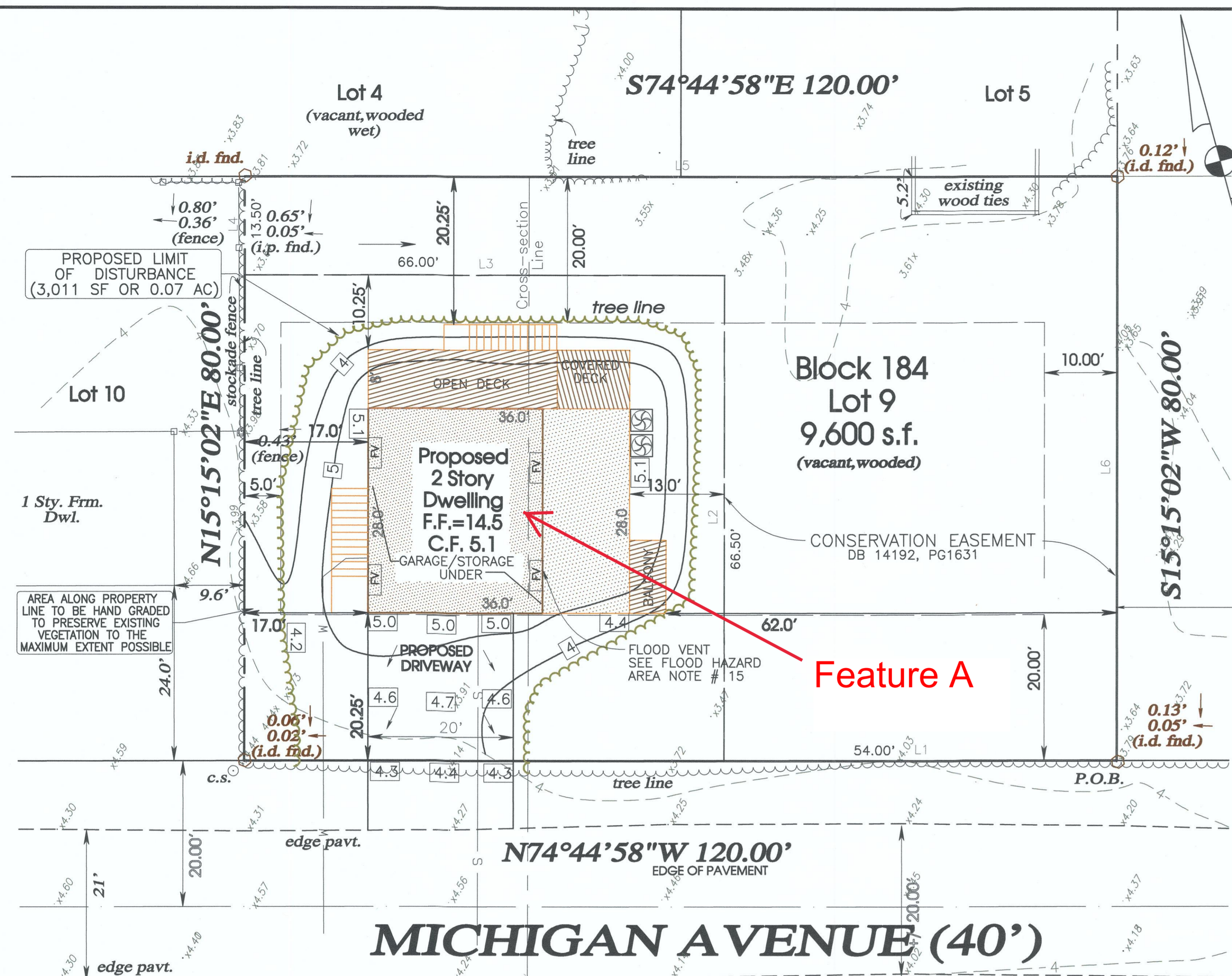


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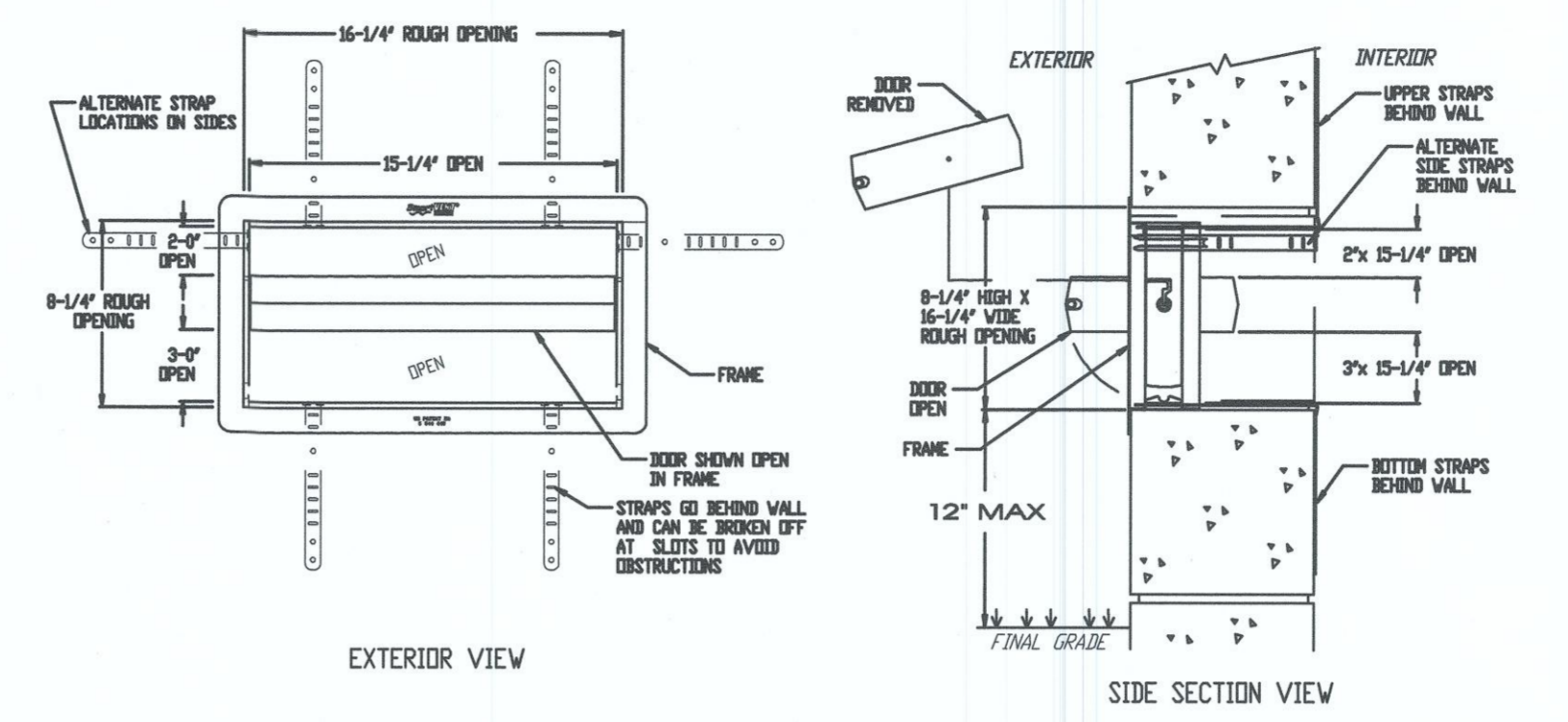
**C. Additional comments to support AJD:** As per Section IIIA (page 2) of the 04 March 1997 Memorandum of Agreement (MOA) between the State of New Jersey and the Department of the Army regarding "assumption" Section 404 of the Clean Water Act of 1977 as amended:

"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 1,000 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 950.0-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.



Smart VENT BLOCK OR POURED INSTALLATION INSTRUCTIONS



1. Prepare a CLEAN 16-1/4" wide by 8-1/4" high rough opening for each vent block wide x 1 block high with the bottom of the hole no more than 1/2" above finished grade.
2. Measure wall thickness and bend (more than 90°) 4 straps at nearest slot to the measurement from pointed end.
3. Remove door from frame. Turn upside down, rotate bottom of door outward and slide out of slots.
4. Insert two straps into two top sets of slots in frame from rear. After pushing teeth through rear set slots, ONLY PUSH STRAPS ONE CLICK INTO FRONT SLOTS. Straps should have bent legs pointing up.
5. Caulk may be applied behind front frame flange. Tie frame so top goes into wall opening first with strap legs going behind wall above opening. Push frame into opening so front flange is tight to face of wall.
6. Reach through frame opening and install two bent straps through two bottom sets of slots in frame, trapping wall between front flange and bent straps. Square all straps tight. Frame should be flush to wall face and secure.
7. Check that frame is square and slots are clear of debris, mortar and caulk.
8. Install door into frame by grasping bottom of door (with plastic pins) and front (with smaller squares) facing up. Slide door into frame such that metal pins on each side slide into slots on sides of frame. Let the door slide down following the path of the slots, until they are at the bottom of the slots in the frames.
9. Let the bottom of the door go so that the door rotates down into the frame. Check that door is latched on both sides.

REQUIRED FLOOD OPENING VENTILATION

ENCLOSED AREA = 972 sq. ft.  
REQUIRED VENTILATION IS 1 sqm. OF CLEAR OPENING PER 1 sqft. OF ENCLOSED AREA.

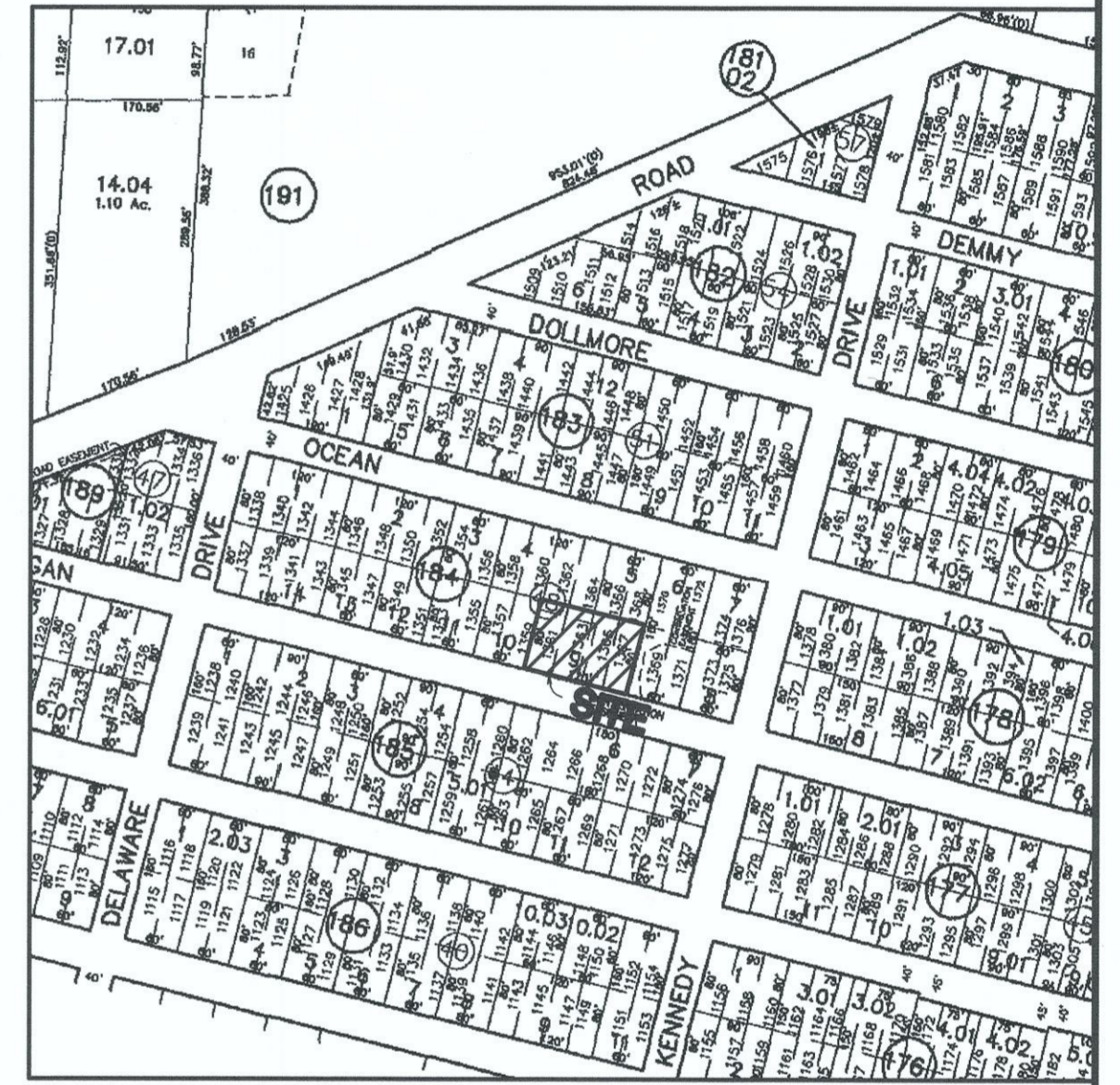
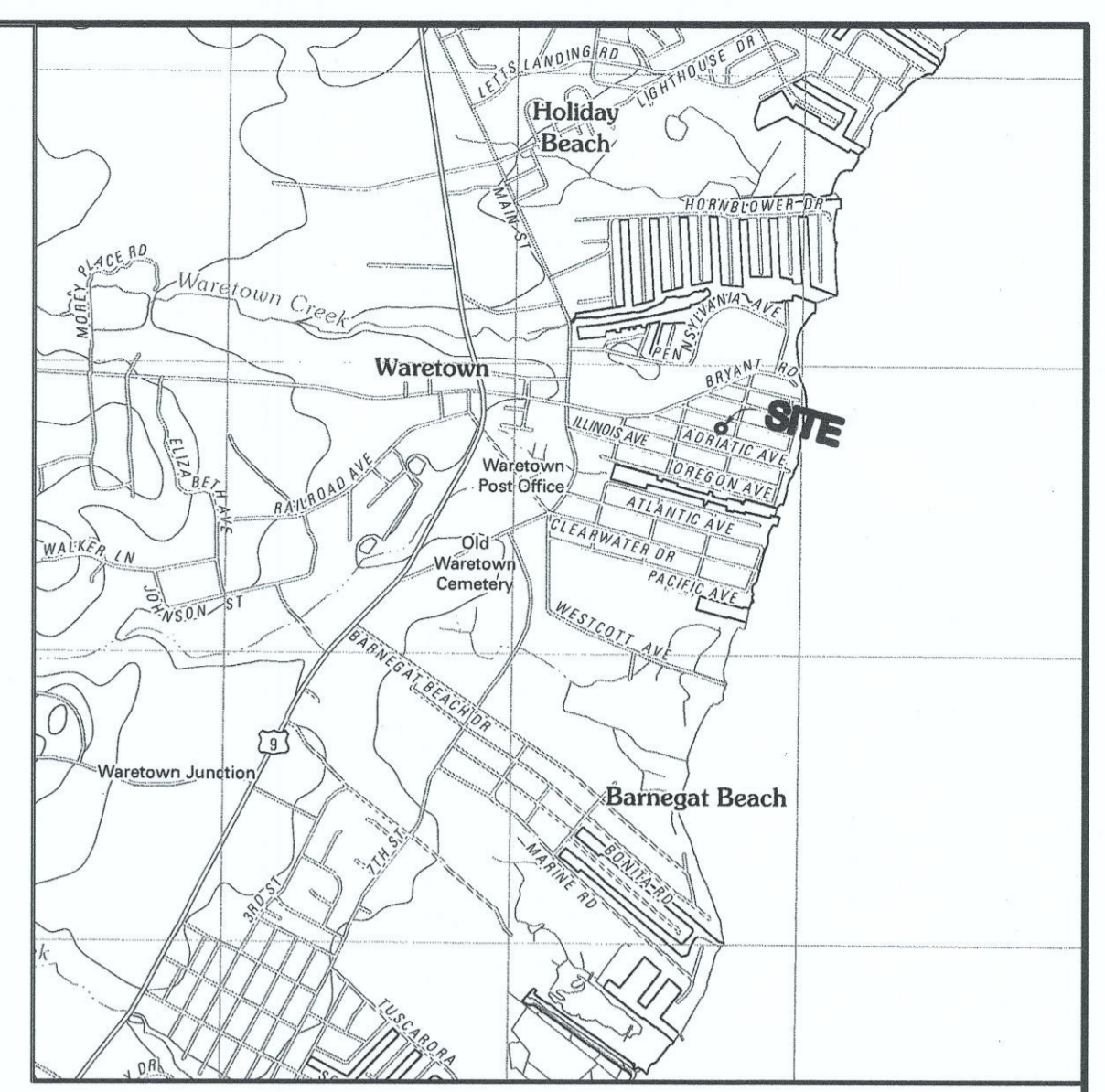
"SMART VENTS" PROVIDE 200 sqm. of "flood opening"  
4 SMART VENTS PROVIDED IN THE CRAWL FOUNDATION.  
VENTS SHALL NOT BE GREATER THAN 12" ABOVE FINISH GRADE.  
4 VENTS X 200sqm PER VENT = 800sqm OF FLOOD VENTING PROVIDED.

GENERAL NOTES:

- 1.) PROPOSED FINISHED FLOOR ELEVATION---14.5
- 2.) PROPOSED GARAGE/STORAGE FLOOR ELEVATION---5.1 (NO BASEMENT IS PROPOSED)
- 3.) PLAN BASED ON SURVEY WORK BY EAST COAST ENGINEERING, INC., DATED AUGUST 21, 2020.
- 4.) ELEVATIONS SHOWN ON PLAN ARE BASED ON 1988 NAVD.
- 5.) PROPERTY LOCATED IN FH ZONE AEA AS SHOWN ON FEMA MAP 34029C0416G, EFFECTIVE DATE SEPTEMBER 29, 2006.
- 6.) THE REGULATORY FLOOD HAZARD AREA ELEVATION ON THE SITE IS 7.0 NAVD'88 AND THE REGULATORY FLOOD ZONE IS AE.
- 7.) NEAREST REGULATED WATER IS THE BARNEGAT BAY APPROXIMATELY 900 FEET EAST OF THE SITE.
- 8.) ENTIRE SITE IS SITUATED WITHIN TIDAL FLOOD HAZARD AREA BFE ELEVATION 6.0, NAVD 1988 WITH ASSOCIATED FLOOD ZONE AE AS PER THE EXISTING EFFECTIVE FEMA MAP. LIMIT IS SHOWN ON MAP IN THE STREET IN FRONT OF THE PROPERTY IN QUESTION AND ON ADJACENT LOT 10 TO THE WEST OF THE SITE.
- 9.) ENTIRE SITE IS SITUATED WITHIN TIDAL FLOOD HAZARD AREA BFE ELEVATION 7.0, NAVD 1988 WITH ASSOCIATED FLOOD ZONE AE AS PER THE PRELIMINARY FEMA MAP.
- 10.) THE SITE IS NOT SITUATED WITHIN VELOCITY HAZARD (VE) FLOOD ZONE AND COASTAL A FLOOD ZONE.
- 11.) AFTER COMPARING THE EFFECTIVE AND PRELIMINARY FEMA MAPS IT HAS BEEN DETERMINED THAT THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION ON THE SITE IS ELEVATION 8.0 NAVD 1988 AND THE REGULATORY FLOOD ZONE IS AE.
- 12.) THE SITE IS NOT SITUATED WITHIN A FLOODWAY ASSOCIATED WITH ANY REGULATED WATER.
- 13.) THE STATE OF NEW JERSEY HAS DETERMINED THAT ALL OR A PORTION OF THIS LOT LIES IN A FLOOD HAZARD AREA AND/OR RIPARIAN ZONE. CERTAIN ACTIVITIES IN FLOOD HAZARD AREAS AND RIPARIAN ZONES ARE REGULATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SOME ACTIVITIES MAY BE PROHIBITED ON THIS SITE OR MAY FIRST REQUIRE A FLOOD HAZARD AREA PERMIT. CONSULT [www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse) OR CONTACT THE DIVISION OF LAND USE REGULATION (609)777-4544 FOR MORE INFORMATION PRIOR TO ANY CONSTRUCTION ON SITE.
- 14.) FLOOD HAZARD AREA DETERMINATION WAS MADE USING METHOD 2 AS INDICATED IN NJAC 7:13-3. FEMA FLOOD HAZARD MAPS, PANEL (34029C0416G) SHOW THE TIDAL 100 YEAR FLOOD ELEVATION FOR THIS NEIGHBORHOOD.
- 15.) THE FINISHED FLOOR ELEVATION IS SET AT ELEVATION 14.5, GREATER THAN ONE FOOT ABOVE THE REFERENCED FLOOD HAZARD ELEVATION OF 7.0 NAVD'88 CONSISTENT WITH 7:13-12.5(g) CONSTRUCTION STANDARDS FOR A NEW BUILDING.
- 16.) WATER AND SEWER SERVICE IS TO BE PROVIDED BY MUNICIPAL UTILITIES. PROPOSED UTILITY LOCATIONS SHOWN ON PLAN ARE PICTORIAL AND SHALL BE FIELD DETERMINED DURING CONSTRUCTION.
- 17.) HOUSE DIMENSIONS PROVIDED BY OWNER.
- 18.) STORMWATER RUNOFF IS TO BE DIRECTED TOWARD PERMEABLE SURFACES.
- 19.) NO PLASTIC LINERS ARE TO BE USED UNDER STONE, GRAVEL, OR LANDSCAPED AREAS.
- 20.) THE DISTURBED AREAS OF THE SITE WILL BE STABILIZED IN ACCORDANCE WITH THE STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL (NJAC 2:90 ET. SEQ.).
- 21.) NO BASEMENT IS PROPOSED.
- 22.) THE DWELLING WILL BE REQUIRED TO HAVE FLOOD VENTS. STORAGE AREA AND GARAGE FLOOR ARE TO BE CONSTRUCTED AT ELEVATION 5.1.
- 23.) ENCLOSURE OTHER THAN GARAGE BELOW THE BUILDING LIKE STORAGE, CRAWLSPACE, ENTRY, ACCESS ETC. WILL MEET ALL THE REQUIREMENTS SET FORTH AT N.J.A.C.7:13-12.5(p).
- 24.) ENCLOSURE OTHER THAN GARAGE BELOW THE BUILDING LIKE STORAGE, CRAWLSPACE, ENTRY, ACCESS ETC. WILL BE CONSTRUCTED WITH PERMANENT FLOOD OPENINGS THAT MEET THE REQUIREMENTS ON THE UNIFORM CONSTRUCTION CODE AT N.J.A.C. 5:23.
- 25.) GARAGE CONSTRUCTION WILL MEET ALL THE REQUIREMENTS SET FORTH AT N.J.A.C.7:13-12.5(g).
- 26.) GARAGE ENCLOSURES WILL BE CONSTRUCTED WITH PERMANENT FLOOD OPENINGS THAT MEET THE REQUIREMENTS ON THE UNIFORM CONSTRUCTION CODE AT N.J.A.C. 5:23.
- 27.) BUILDER TO VERIFY THAT THE VERTICAL DISTANCE OF THE BUILDING MEASURED FROM THE BASE FLOOD ELEVATION TO THE MEAN HEIGHT BETWEEN EAVES AND RIDGE FOR GARBLE OR HIP ROOFS IS NOT TO EXCEED 35 FEET.
- 28.) PROPOSED DECKS AND/OR PORCHES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH FLOOD HAZARD AREA PERMIT BY RULE SET FORTH IN 7:16-PERMIT WITH RULE 16-CONSTRUCTION OF A DECK.
- 29.) A FOYER WITH A FLOOR THAT IS NOT ONE FOOT ABOVE THE FLOOD HAZARD ELEVATION IS NOT PERMITTED.
- 30.) BUILDER SHALL VERIFY THAT DWELLING IS CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE BUILDING REQUIREMENTS FOR FLOOD ZONES, SUCH AS FLOOD VENTING, GRADING, UTILITIES, ETC..
- 31.) WETLANDS DELINEATION BY AIR LAND & SEA ENVIRONMENTAL MANAGEMENT SERVICES, INC.
- 32.) DEVELOPMENT SUBJECT TO NJDEP FRESHWATER WETLANDS PERMIT 152-03-0039.1
- 33.) PROPERTY SUBJECT TO CONSERVATION EASEMENT FILED IN O.C. COURT HOUSE AS DB 14192, PG1631.
- 34.) RESTRICTIVE DEED (DB14603 PG 1775) FILED IN THE OCEAN COUNTY CLERKS OFFICE.
- 35.) TOTAL IMPERVIOUS AREA PROPOSED:  
HOUSE (INCLUDING BALCONY) 1,038SF  
DECKS 288 SF  
DRIVEWAY 405 SF  
TOTAL: 1941 SF (0.045AC)

LINE	BEARING	DISTANCE
L1	N7°44'58"W	54.00'
L2	S15°15'02"W	66.50'
L3	N7°44'58"W	66.00'
L4	S15°15'02"W	13.50'
L5	N7°44'58"W	120.00'
L6	S15°15'02"W	80.00'

TOTAL LAND AREA	9,600.00 SF
TOTAL WETLAND AREA	9,600.00 SF
AREA OF WETLANDS TO BE DISTURBED	3,011.00 SF
VOLUME OF FILL IN WETLAND AREA	132.00 CY



TAX MAP

- 3 PROPOSED CONTOUR
- 3 EXISTING CONTOUR
- 3.50 EXISTING ELEVATION
- 3.50 PROPOSED ELEVATION
- W-4 WETLAND FLAG

R-BH ZONE	REQUIRED	PROPOSED
MINIMUM LOT AREA	4,800 sf.	9,600 sf.
MINIMUM LOT WIDTH	60 ft.	120.00 ft.
MINIMUM LOT DEPTH	80 ft.	80.00 ft.
MAXIMUM LOT COVERAGE	35 %	9.70 %
MAXIMUM IMPERV. COVERAGE	55 %	15.00 %
MINIMUM FRONT SETBACK	20 ft.	20.25 ft.
MINIMUM SIDE SETBACK	5 ft.	17.00 ft.
COMBINED SIDE SETBACK	15 ft.	79.0 ft.
MINIMUM REAR SETBACK	20 ft.	20.50 ft.
MAXIMUM BUILDING HEIGHT	32 ft.	<32 ft.

DEED DESCRIPTION:

PROPERTY ALSO KNOWN AS LOTS 1361, 1363, 1365 & 1367, BLOCK 48 ON; MAP OF BAY HAVEN, OCEAN COUNTY, N.J. FILED 10/18/1921 AS MAP A-279.

META DATA

UNITS: USSF  
HORIZONTAL DATUM: NJSPCS  
VERTICAL DATUM: NAVD 1988

PLOT PLAN

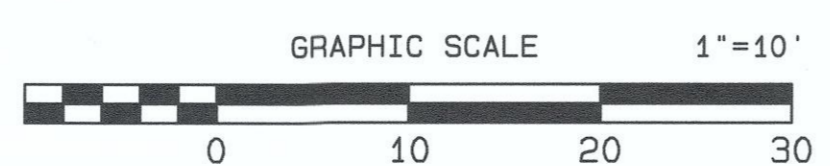
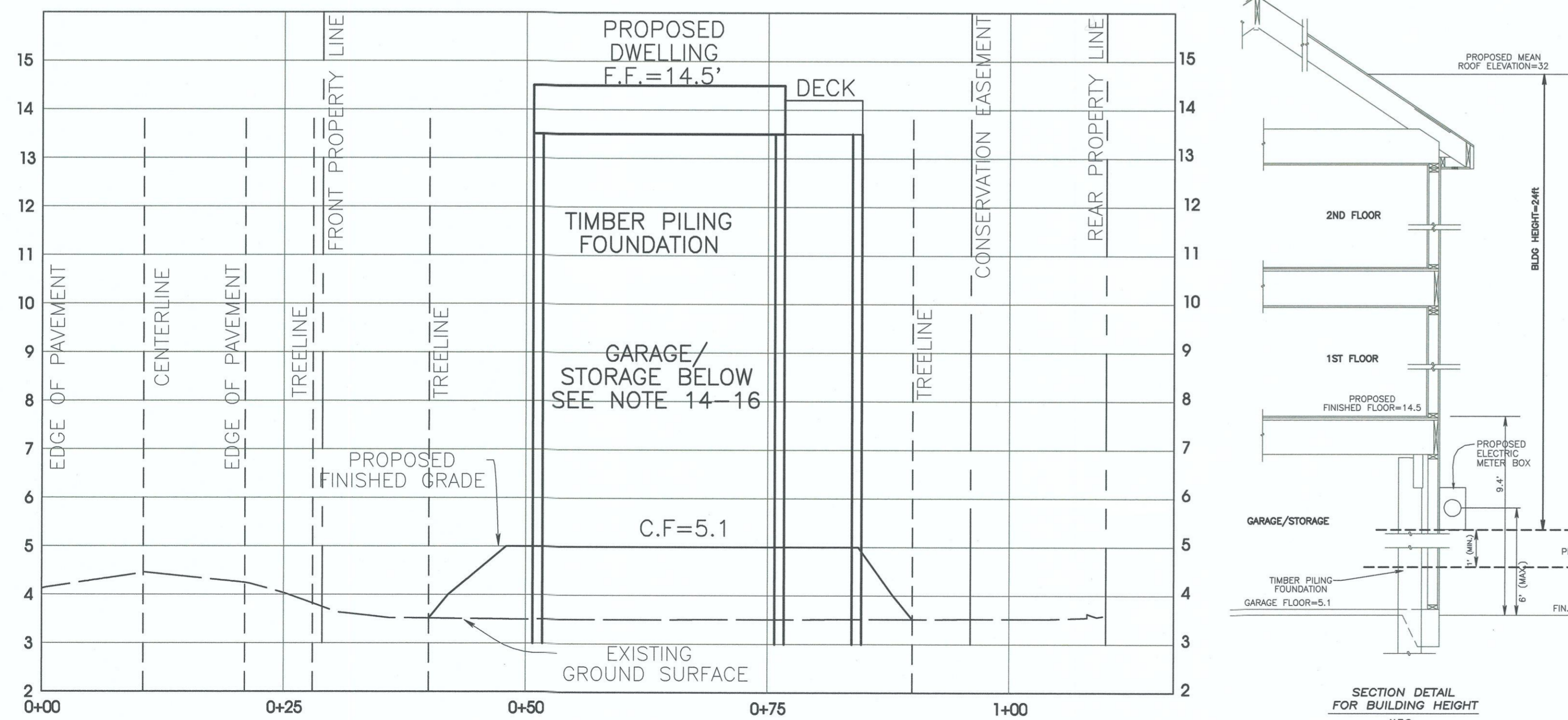
PREPARED FOR:  
ALLAN & CAROL FALL

BLOCK 184 LOT 9  
OCEAN TOWNSHIP  
OCEAN COUNTY, NEW JERSEY

**East Coast Engineering, Inc.**  
ENGINEERING PLANNING LAND SURVEYING GPS

JOB No.: 20200362	TAX MAP SHEET No.: 20
DRAWN BY: RJH	SCALE: 1"=10'
CHECKED BY: R.J.H.	DATE PREPARED: 12/18/06

JAY F. PIERSON, P.L.S., P.P.  
ROBERT J. HARRINGTON, P.E.



- (N.J.A.C. 7:13-7.16) PERMIT-BY-RULE 16/FLOOD HAZARD AREA PERMIT BY RULE FOR DECKS:  
CONSTRUCTION OF A DECK THAT IS CONNECTED TO A LAWFULLY EXISTING BUILDING IS PERMITTED PROVIDED THAT THE CONDITIONS ARE MET:  
1. THE DECK IS LOCATED IN A FLOOD HAZARD AREA IS NOT ENCLOSED WITH WALLS EITHER ABOVE OR BELOW ITS FLOOR, EXCEPT FOR PROTECTIVE OR DECORATIVE FENCING, BANISTERS, OR LATTICE WORK THAT ALLOW FLOODWATERS PAST THE FENCE.  
2. NO DISTURBANCE IS LOCATED WITHIN 3 FEET OF ANY TOP OF BANK, UNLESS THE PROJECT LIES ADJACENT TO A LAWFULLY EXISTING BULKHEAD, RETAINING WALL, OR REVEMENT ALONG A TIDAL WATER OR IMPROVED FLUVIAL WATER; AND  
3. THE PROJECT (DECKS) WILL NOT RESULT IN A NET LOSS OF GREATER THAN 2,000 SQUARE FEET OF RIPARIAN ZONE VEGETATION.