



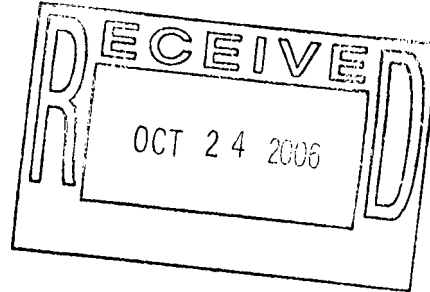
-State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
POBox 402
TRENTON, NJ 08625-0402

JON S. CORZINE
Governor

October 5, 2006

Honorable Fred H. Madden
Senator, District 4
Holly Oak Office Park
129 Johnson Road Suite 1
Turnersville, New Jersey 08012

LISA P. JACKSON
Commissioner



Dear Senator Madden:

I am writing in response to your August 25, 2006 letter requesting an update on the Sawyers Creek Development in Gloucester County. I apologize for the delay in my response.

The New Jersey Department of Environmental Protection (Department) became aware of this issue in July of 2006 and has sought to gain a more complete understanding of the issues involved. Seven Land Use permits have been issued for the site. We have completed our compliance evaluation inspection and are reviewing the matter to seek a fair and reasonable outcome for all involved.

Our investigation has uncovered a number of complex issues: several homeowner lots were resold to other developers prior to being built on; some homeowners did have vague restrictive language on their deeds indicating the presence of regulated features; some homeowners had no restrictive language; some homeowners have full use of their properties; some have no backyard at all. Our investigation has shown that some homeowners may have purchased their home for a reduced price as a result of knowing restrictions existed. There were a number of title companies that identified conservation easements in favor of the town on individual deeds; and yet there are others that did not.

The Department finds the original developer primarily responsible for the situation and is finalizing a formal enforcement action to compel compliance, require mitigation, and assess a civil administrative penalty commensurate with the failure to fully comply with the permit requirement to file a deed restriction prior to initiating regulated activities.

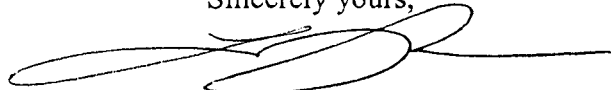
Unless the developer assumes a cooperative approach to resolving this situation, expected litigation in this matter could take years to conclude. The Department is prepared, prior to the end of calendar year 2006, to offer all homeowners who unknowingly purchased lots with severe development restrictions, at a minimum, relief in the form of a minimum envelope of usable lawn, and possibly additional relief on a case by case basis. Other homeowners, depending on their knowledge of the limitations of the use of their property at the time of purchase, will also be considered. The Department does not identify mitigation sites in these situations as your letter inquires, but requires the developer to do so. If no suitable mitigation site is found within the watershed containing the violation, the New Jersey Wetlands Council manages the State Wetlands Mitigation Bank where wetlands credits may be purchased to protect wetlands statewide.

The Department will find an equitable resolution of this matter that will involve appropriate relief for affected residents. We have assigned a management level employee to oversee the resolution of these important matters. A senior manager from the Bureau of Coastal and Land Use Compliance and Enforcement will contact your office within one week to discuss these matters in detail with you.

Should you require additional information in the meantime, please do not hesitate to contact Marcedius Jameson, Administrator, Coastal and Land Use Enforcement at

Thank you for your interest in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a long horizontal line extending to the right.

Lisa P. Jackson
Commissioner

c: Wolfgang Skacel, Assistant Commissioner, Compliance and Enforcement John Hazen, Director, Office of Legislative Affairs