

Dunn, Patrick

From: Anderson, Ryan <Ryan.Anderson@dep.nj.gov>
Sent: Tuesday, December 08, 2015 9:01 AM
To: Dunn, Patrick
Cc: Jablon, Rebecca; Turner, Kara
Subject: RE: CDBG-DR Blue Acres Wall Township - Jurisdictional Determinations
Attachments: 1352-15-0008.1 CDT150001.pdf

JD attached. Thanks

Ryan J. Anderson
Supervising Environmental Specialist
Bureau of Coastal Regulation
Division of Land Use Regulation
(609) 292-1230

From: Dunn, Patrick [mailto:DunnPW@cdmsmith.com]
Sent: Wednesday, December 02, 2015 12:41 PM
To: Anderson, Ryan
Cc: Jablon, Rebecca
Subject: CDBG-DR Blue Acres Wall Township - Jurisdictional Determinations

Ryan,

I am in the process of completing an environmental assessment for a CDBG-DR funded project known as Blue Acres – Wall Township. The proposed project would acquire three residential properties in Wall Township, Monmouth County and dispose of all man-made features on the properties, such as dwellings, foundations, sheds, garages, fences, and driveways. The acquired properties would be permanently preserved as open space. The proposed activity sites are as follows: 2118 Butternut Road (PAMS PIN 1352_277_17), 2116 Butternut Road (PAMS PIN 1352_277_18), and 2125 Old Mill Road (PAMS PIN 1352_723_5).

As per NJDEP review guidance for these CDBG-DR projects, one consultation request is being submitted to address all consultation requirements for the proposed project. This application requires jurisdictional determinations in regards to flood hazards and wetlands.

The proposed activity sites are within a Zone AE floodplain. The majority of the parcel for 2125 Old Mill Road is also within the floodway. Wetlands are shown on the proposed activity sites and within 20 feet of the existing homes at 2118 Butternut Road and 2125 Old Mill Road. However, demolition of homes and the conversion of these properties to open space would not involve new construction in wetlands. Project maps are attached.

We request your review of the proposed project to make jurisdictional determinations in regards to flood hazards and wetlands. Please let me know if you need any additional details. Thank you.

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Governor

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KIM GUADAGNO
Lt. Governor

December 8, 2015

Patrick Dunn
CDM Smith
125 South Wacker Drive, Suite 600
Chicago, IL 60606

Re: JURISDICTIONAL DETERMINATION
Environmental Review - Community Development Block Grant-Disaster Recovery
DLUR File No.: 1352-15-0008.1
DLUR Activity Number: CDT150001
Grant Application ID Number: BA-Wall
Applicant: State of New Jersey Blue Acres Program
Block: 277, Lots: 17 and 18
Block: 723 Lot: 5
Township of Wall, Monmouth County

Dear Mr. Dunn:

This letter is in response to an application submitted by the above referenced applicant for funding under the Community Development Block Grant-Disaster Recovery (CDBG-DR) program. This jurisdictional determination is for the demolition of single family homes and restoration of floodplains on the above referenced sites. Specifically, the work consists of the removal of all structures (homes, foundations, sheds, garages, fences and driveways etc.) on the properties, backfilling of any excavated areas (foundations, basements, etc.) and restoration of the site to the existing grade. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et. seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et. seq.), Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et. seq.), Flood Hazard Area Control Act (N.J.S.A. 58:16A et. seq.) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B et. seq.).

Based on a review of the information submitted and a review of information as maintained on the Department's Geographic Information System, the following determination is made:

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- ☒ **A Waterfront Development permit is not required.**
☐ **A Waterfront Development Permit will be required because:**
- ☐ Work will be performed at or below (outshore) the Mean High Water Line.
 - ☐ Work will be performed within 100/500 feet of the MHWL outside the coastal area.

There is no work proposed at or below the MHWL. However, work is proposed within 100 feet of the MHWL on some of the listed properties. The Department has made the findings that the proposed project is exempt from the Waterfront Development provisions pursuant to N.J.A.C. 7:27-2.3(d)3.

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- ☐ **A CAFRA permit is required.**
- ☒ **A CAFRA permit is not required.** The proposed activities are not in the CAFRA area.

Based on a review of the Coastal Wetlands Maps, the following determination is made:

- ☐ **Coastal Wetlands permit is required.** Coastal Wetlands are mapped on this site. Activity is proposed at or below the Upper Wetlands Boundary.
- ☒ **Coastal Wetlands permit is not required.** Based on a review of the Coastal Wetlands Maps, it is determined that there are no mapped wetlands on the site.
- ☐ **Coastal Wetlands permit is not required.** Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary.

Flood Hazard Area

In addition, the Department has reviewed the proposed activities for compliance with the requirements of the Flood Hazard Control Act rules (N.J.A.C. 7:13). The project appears to meet the requirements of a permit-by-rule pursuant to N.J.A.C. 7:13-7.2(b)2 and therefore would not require a Flood Hazard Area permit.

Freshwater Wetlands

It has not been determined whether any demolition activities are within or adjacent to freshwater wetlands. If it is determined that activities will impact freshwater wetlands, then a consultation with the Division is required. If activities are to occur adjacent to freshwater wetlands (within transition area), then the Division would consider the activities "normal property maintenance" pursuant to N.J.A.C. 7:7A-2.6(b)1i(9) and permits would not be required.

The project may be presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change. The project may be presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.

Please contact Kara Turner by e-mail at Kara.Turner@dep.nj.gov or by phone at (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Supervisor
Division of Land Use Regulation