State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
Mail Code 501-02A, P. O. Box 420
Trenton, New Jersey 08625-0420
www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Lauren Bahlinger
AECOM
7389 Florida Blvd., Suite 300
Baton Rouge, LA 70806

JUN 16 2015

Re: JURISDICTIONAL DETERMINATION
Environmental Review - EDA and DCA/NEP Programs
DLUR File Number: 1525-15-0004.1
DLUR Activity Number: CDT150001
Grant Application ID Number: NCR40120
Applicant: Point Pleasant Beach Borough
Block(s) and Lot(s): [Channel Drive ROW] [164, 19] [168, 5]
Point Pleasant Beach Borough, Ocean County

Dear Ms. Bahlinger:

This letter is in response to an application submitted by the above referenced applicant for funding under the Economic Development Authority's Neighborhood & Community Revitalization (NCR), Small Business Loans (SBL) Programs, the Department of Community Affair's Neighborhood Enhancement Program (NEP), and/or the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. This jurisdictional determination is for a proposed streetscape improvement project within the CAFRA zone along the entire length of Channel Drive in the Borough of Point Pleasant Beach, a non-qualifying municipality. In total, the proposed project includes:

Channel Drive:
- Milling and repaving, curb replacement, and lane striping
- Installation of new crossing signage and concrete pavers at crosswalks and the intersections at Broadway (two intersections), St. Louis Avenue, Chicago Avenue, Baltimore Avenue, and Boston Avenue
- Sidewalk reconstruction, the installation of concrete paver driveway aprons, fifty-four decorative light fixtures, five bus shelters, ten benches, the resetting of existing storm water drainage inlets, and the planting of sixty-four shade trees (North side)
- Sidewalk reconstruction at the six intersections, the resetting of existing storm water drainage inlets, and the planting of forty-four shade trees (South side)

Block 168, Lot 5 and Block 164, Lot 19:
- Installation of new signage, fiberglass signature sculptures, landscaping, and lighting to highlight the entrances to the working waterfront district

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:

(x) **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.

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

( ) **A CAFRA permit is required.**

(x) **A CAFRA permit is not required. Per N.J.A.C. 7:7-2.1(c)6 a CAFRA permit is not required for services provided within an existing public-right-of-way by a government entity. Per N.J.A.C. 7:7-2.1(a), a CAFRA permit is not required for the proposed development located at Block 168, Lot 5 and Block 164, Lot 19 as the work is located more than 150' from the mean high water line.**

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.

(x) **Coastal Wetlands permit is not required.** Based on a review of the Coastal Wetlands Maps it is determined that there are not 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.

In addition, this project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1. The proposed project appears to meet the criteria for a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6.

Based on the information provided to the Division, it does not appear that the proposed project will impact freshwater wetlands and associated transition areas regulated under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. Therefore, a permit is not required.

Please be advised that the Army Corps of Engineers (Corps) has jurisdiction over any activity that results in a discharge of fill below the mean high water line or within Federally regulated wetlands. It does not appear that the proposed project will result in discharge of fill regulated by the Corps.

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.

Please contact Jessica Cobb by e-mail at Jessica.Cobb@dep.nj.gov or (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
Bureau of Coastal Regulation
Division of Land Use Regulation