

## Doss, Gary

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**From:** Mahon, Donna [Donna.Mahon@dep.state.nj.us]  
**Sent:** Thursday, April 24, 2014 9:29 AM  
**To:** 'Reynolds, Samuel L NAP'  
**Cc:** Vanable, Victoria; Anderson, Ryan  
**Subject:** RE: Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain (UNCLASSIFIED)

Hi Sam, so sorry that I did not respond to this sooner. Our process for completing these reviews requires consultation with the Department's Land Use Program to determine if permits are required and confirmation of the types of permits. It also requires our consultants to contact the ACOE to determine the need for a permit.

This is to accomplish two things, first to ensure that the required permits are a condition of the approval; and second to ensure that any T&E species or other requirements are conditioned within the Department issued permits.

This is detailed in our guidance document to all of our consultants. Please see the wetlands excerpt below. Please let me know if you would like to further discuss and if you had any other comments concerning these notices.

### Wetland Protection

Applicable Activities: Acquisition of undeveloped land, change of land use, construction, expansion of building footprint.

Threshold Question: Is the project located within a wetland, wetland transition or buffer area (150 feet of a wetland), tidal or non-tidal waterway, or at or below mhw? Is there a potential for impact to these areas?

Guidance: HUD policy is to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Impacts to wetlands from new construction require the 8-step decision making process to be completed. Projects may be approved if there is no practicable alternative outside the wetland area.

Use NJDEP HUD Environmental Review Tool, Wetlands and the Mean High Water Buffer Zone (150 ft.) layers at <http://bit.ly/1dREWkD> and conduct a site inspection. If the project will impact, or has the potential to impact wetlands, transition/buffer areas, or areas below mhw, consult with DLUR for a JD. A Water Quality Certificate may be needed.

If wetlands within 1000' of mhw will be impacted, the US Army Corp of Engineers (USACOE) must also be consulted. Wetlands within 1,000 feet of mhw are regulated by both NJDEP and the USACOE.

Work proposed at or below the high water line, e.g. along beaches, dunes areas/bulkheads, etc. (which may be above mhw line) or in areas that may not have regulated vegetated wetlands present may also be regulated by the USACOE.

Provide a pdf map of the wetlands layer from the NJDEP HUD Environmental Review Tool. See end note for file naming convention Reference the map in the Compliance Documentation section of the CEST or EA. Provide a pdf of any DLUR - JD document.

### Consultation Contact:

Ryan Anderson, NJDEP DLUR, 609-292-1230, Ryan.Anderson@dep.state.nj.us USACOE NY District-Eastern Section (Passaic, Essex, Union, Middlesex, and Monmouth): Steve

Ryba, 917-790-8512, Stephan.A.Ryba@usace.army.mil USACOE NY District (Hudson and Bergen): Jim Cannon, James.H.Cannon@usace.army.mil, 917-790-8412  
USACOE Philadelphia District (all other NJ counties): Sam Reynolds, 215-656-5715, Samuel.L.Reynolds@usace.army.mil,

Thanks, Sam and hope you are well.

-----Original Message-----

From: Reynolds, Samuel L NAP [mailto:Samuel.L.Reynolds@usace.army.mil]  
Sent: Monday, April 14, 2014 3:47 PM  
To: Mahon, Donna  
Cc: Vanable, Victoria; Anderson, Ryan  
Subject: RE: Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Donna,

Hope that all is well! Like you we are still dealing with items related to Superstorm Sandy, but I'm sure we aren't as busy with them as you are. I've been looking over the project information provided in the early notices, and noted that some of the projects do involve work that would be regulated by the Corps. While most of these would likely be authorized by an applicable nationwide permit (such as Nationwide Permit #3 for maintenance), I wanted to see if you can provide any information on whether the applicant will be required to get a permit or permit verification letter from the Corps. In addition, are the applicant's required to get a letter or permit from the State. If you think it would be beneficial to discuss just let me know.

Sam Reynolds  
Chief, Application Section II  
Regulatory Branch  
Philadelphia District, USACE

-----Original Message-----

From: Mahon, Donna [mailto:Donna.Mahon@dep.state.nj.us]  
Sent: Friday, April 11, 2014 1:48 PM  
To: Carlo Popolizio; Fisher, Douglas; Reynolds, Samuel L NAP; McDonald, Jodi M NAN02; Haggerty, James W NAD; 'mailto:musumeci.grace@epa.gov'; 'mailto:karen.greene@noaa.gov'; McDonald, Jodi M NAN02; 'Megan.Jadrosich@fema.dhs.gov'; Audin, Michael; 'delross\_jerry@aclink.org'; Azizi, Sharla (Sharla.Azizi@fema.dhs.gov); 'cblock@co.ocean.nj.us'; 'mailto:cfiliciello@cityofatlanticcity.org'; 'thorton@co.cape-may.nj.us'; 'rciallella@admin.essexcountynj.org'; 'teri.oconnor@co.monmouth.nj.us'; 'joedi@admin.essexcountynj.org'; 'verunni@gmail.com'; 'pshives@tomsvrivership.com'; 'gsavastano@seaislecitynj.us'; 'mailto:smaxwell@wildwoodnj.org'; 'mailto:quintanal@ci.newark.nj.us'; 'stephen.kay@cityofasburypark.com'; 'jcamera56@hotmail.com'; Furda, Michael R (michael.r.furda@hud.gov); 'mailto:prosenello@northwildwood.com'  
Cc: Mahon, Donna; Vanable, Victoria; Key, Tonalee  
Subject: [EXTERNAL] Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain

The New Jersey Department of Environmental Protection (NJDEP) is assisting the Department of Community Affairs (DCA) with the Environmental Review portion of the Department of Housing

and Urban Development's (HUD) Community Development Block Grant Disaster Relief Assistance Funding Program for the following programs: Landlord Rental Repair Program, Neighborhood Enhancement Program, Small Business Loan and Neighborhood Community Revitalization Programs. Please see the attached notice that has been published on April 11th in several newspapers. This Early Notice is for proposed activities in a 100-year floodplain in the following counties and municipalities:

Atlantic County: City of Atlantic City

Essex County: City of Newark

Ocean County: Seaside Heights and Tom's River Township

Cape May County: Wildwood and West Wildwood; North Wildwood; City of Sea Isle

Monmouth County: Sea Bright Borough; Asbury Park

The floodplain notices and maps are available for review and posted at the following location:

<http://highpoint.state.nj.us/dep/special/hudnotices/>  
<<http://highpoint.state.nj.us/dep/special/hudnotices/>>

Please send any comments that you may have concerning these projects to my attention with a copy to Victoria Vanable who is copied on this e-mail. Thank you.

The close of comment period is April 24th for all but NEP155 in Essex County which has a close of comment period of April 29th. Thank you!

Donna Mahon, Director ,NJDEP

Sandy Recovery Environmental and Historic Preservation Review Program

609-341-5313 - Office

609-789-7368 - Cell

609-292-1921 - Fax

Classification: UNCLASSIFIED

Caveats: NONE

