



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

September 11, 2015

Beth A. Williams
Tetra Tech
240 Continental Dr.
Newark, DE 19713

Re: JURISDICTIONAL DETERMINATION
Environmental Review - EDA and DCA/NEP Programs
DLUR File Number: 0102-15-0013.1
DLUR Activity Number: CDT150001
Grant Application ID Number: RRE0031126MF
Applicant: Tapan K. Day
Block(s) and Lot(s): [342, 11]
Atlantic City, Atlantic County

Dear Ms. Williams:

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 Affairs' Neighborhood Enhancement Program (NEP), and/or the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. This jurisdictional determination is for the proposed elevation and rehabilitation of one unit within a multi-unit residential development located at the above referenced site. The site is within the CAFRA zone of Atlantic City, a qualifying municipality. 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 Zone Management 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.

Based on a review of the Coastal Zone Management Rules, the following determination is made:

- ☐ A CAFRA permit is required.
- ☒ A CAFRA permit is not required as the project is not regulated pursuant to N.J.A.C. 7:7-2.2.

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, 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. Reconstruction and elevation projects within the same footprint may qualify for a Flood Hazard Area permit-by-rule provided the criteria at N.J.A.C. 7:13-7.2(a)3 is met.

Freshwater Wetlands

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 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