



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Steven Sherman
ICF
2005 Market Street, Suite 3110
Philadelphia, Pennsylvania 19103

August 21, 2020

Re: JURISDICTIONAL DETERMINATION
Environmental Review - EDA and DCA/NEP Programs
DLUR File Number: 0102-20-0016.1
DLUR Activity Number: CDT200001
Grant Application ID Number: NJ AC CDBG-DR B-13-DS-34-0001
Applicant: Atlantic City
Project: "AC Bulkheads"
Atlantic City, Atlantic County

Dear Mr. Sherman:

This letter is in response to an application submitted for funding under a Community Development Block Grant-Disaster Recovery under the Atlantic City Resilience Program. This jurisdictional determination is for the proposed replacement of eight (8) sections of bulkhead using corrugated material 18 inches waterward of the existing bulkhead location along with the installation of approximately 90 linear feet of new bulkhead along North Dover Road in Atlantic City, Atlantic County. 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, a review of information as maintained on the Department's Geographic Information System, and an undated site map entitled "Atlantic City Bulkhead Evaluation, Sunset and Winchester Avenue from Jackson Ave to North Albany Ave.", 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 as work is not proposed below a mean high water line.**
- ☒ **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:

- (X) **A CAFRA permit may be required.** The proposed new bulkhead section along North Dover Road will require a CAFRA permit if it is constructed above the mean high water line.
- () **A CAFRA permit is not required.**

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.

Flood Hazard Area:

The project site is located within a tidal Flood Hazard Area. Since the project requires a CAFRA permit, the flood hazard area standards will be reviewed under that permit. A separate Flood Hazard Area Permit is not required.

Freshwater Wetlands:

Based on a review of the photographs, it does not appear that there are freshwater wetlands associated with the project. Therefore, freshwater wetland permits are not required.

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 Lindsey J. Davis by e-mail at Lindsey.Davis@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, Manager
Bureau of Coastal Regulation
Division of Land Resource Protection

c: Construction Official, Atlantic City
NJDEP Bureau of Coastal and Land Use Compliance and Enforcement, Toms River