

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE PLANNING

ADOPTED AMENDMENT TO THE CAPE MAY COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that that on **SEP 21 2011**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Cape May County WQMP was adopted by the Department of Environmental Protection (Department). This amendment has been submitted on behalf of Sea Quest Enterprises, LLC. The proposed project involves the construction of a subsurface sewage disposal system to serve a new clubhouse and a lodge/conference center at the currently existing Shore Gate Golf Club. Two lodge buildings of 8 units each (for a total of 16 one-bedroom units), a 24 seat conference room, a 257 seat restaurant, an office, a pro shop, and locker rooms for 300 guests at peak use are proposed. The golf club currently has a small pro shop and grill, a clubhouse, and a maintenance facility. The proposed project site (including the subsurface sewage disposal system disposal area) of 15 acres is located within a portion of Block 245, Lot 37.01 in Dennis Township, Cape May County. The site is currently designated as an Individual Subsurface Sewage Disposal System Area of 2,000 Gallons per Day (gpd) or Less in the adopted Cape May County Wastewater Management Plan. The amendment changes the designation for this site to a service area for the above referenced subsurface sewage disposal system operating under a New Jersey Pollutant Discharge Elimination System (NJPDES) individual permit. The projected wastewater flow calculated in accordance with N.J.A.C. 7:14A-23.3 is 15,210 gpd.

This adopted amendment was reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. The Department's review determined that the site is located within the Magnolia Lake Natural Heritage Priority Site, a B3 Standard site whose primary boundary includes wetlands containing a Federally-listed threatened plant species. In addition the site is designated as Rank 3 threatened and endangered species habitat as identified by the Department's Landscape Project version 2.1. The Division of

Fish and Wildlife's Endangered and Nongame Species Program has developed the Landscape Project, which identifies State and Federal listed Endangered and Threatened Species habitat.

With regards to the Federally-listed plant species, the proposed project site is a minimum of 300 feet away from the wetlands area that contains a population of the species. Based on this distance and the intervening existing development associated with the present use of the subject property as a golf course, providing wastewater service to the proposed level of development will not result in adverse impacts to this species or its habitat.

On December 28, 2009 the Department received a Habitat Suitability Determination application (HSD), prepared by Lomax Consulting Group, LLC. The HSD application was submitted in accordance with the provisions at N.J.A.C. 7:15-5.26(c). The Department concurred with the application's finding that the proposed forest disturbance of 2.5 acres was not likely to result in adverse impacts to Red-headed woodpecker citing the availability of surrounding habitat. To ensure that no adverse impact occurred to this species, the Department recommended that a Spring Survey of the entire proposed amendment area be conducted to determine whether or not the Red-headed woodpecker is nesting in or near areas presently proposed for disturbance or elsewhere within the amendment area. Such surveys would assist in ensuring compliance with Coastal Area Facility Review Act (CAFRA) threatened and endangered species policies that the proposed project would require. On March 30, 2010 the Department received the survey results, again prepared by Lomax Consulting Group, LLC. The Department's Division of Land Use Regulation reviewed the survey results and determined that, while there is suitable species habitat within the proposed wastewater service area, the proposed facilities, in and of themselves, would not result in adverse impacts. The situation is somewhat unique in that the existing use of the site as a golf course serves to maintain the onsite habitat in a condition favorable to the Red-headed woodpeckers. In addition, the proposed facilities are regulated under the Department's Coastal Zone Management Rules which require the applicant to demonstrate that the proposed development will not result in negative impacts on threatened or endangered species or their habitat. As such,

the Department has determined that providing wastewater service to the proposed project will not result in adverse impacts to threatened or endangered species habitat subject to the following conditions:

The amendment allows the inclusion of only the currently existing and the proposed sewage generating structures and uses into the on-site sewer service area. The sewer service area only applies to the property's current use as a golf club. Any redevelopment and/or change in use from a golf club will require an amendment to the Cape May County WQMP for the site to remain in a service area.

The Department's decision to allow this sewer service area is not a determination that no suitable habitat exists within the sewer service area and does not alleviate the responsibility of the applicant to demonstrate compliance with all appropriate threatened and endangered species habitat protection standards required for the permitting of development within the designated service area. The Department's determination for this request does not in any way modify the applicant's responsibility to comply with all applicable Land Use Regulation Program rules, and the terms and conditions of the CAFRA permit that will be required under the Coastal Zone Management Rules for the proposed project. Pursuant to N.J.A.C. 7:15-3.6, the Coastal Zone Management Rules at N.J.A.C. 7:7E provide the basic policy direction for Water Quality Management Planning in the New Jersey Coastal Zone defined at N.J.A.C. 7:7E-1.2(b).

The Department's review determined that there are no streams or stream buffers on the proposed project site. The applicant has obtained a Letter of Interpretation (L.O.I.) from the Department that noted that exceptional resource value wetlands were present. The proposed project is planned for a limited uplands area of the site outside of any wetlands and associated wetlands transition areas. The proposed project is not required to receive review under the Flood Hazard Area Control Act at N.J.S.A. 58:16A-50 et seq. as the proposed project's disturbance would be over 300 feet from the closest water body and no structure or discharge is proposed within the regulated flood hazard area or wetlands.

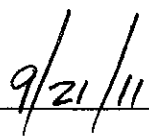
The proposed project's water supply will be a non-public water system (individual wells) comprised of one primary irrigation source, Well 1 (Well Permit No. 3600023696), which is located in the Atlantic City 800-foot Sands, a deep confined aquifer), and three small capacity sources Wells 2, 3, and 4, (Well Permit Nos.: 3600024732, 3600023695, and 3600024733, respectively) located in the Cohansey, a shallow unconfined aquifer. This diversion is regulated under Water Allocation Permit No. 2538P. The Department's Bureau of Water Allocation determined that, although there is adequate water supply for the proposed project under the current monthly allocation, additional annual allocation may be required. This may be accommodated under the existing allocation permit by implementing conservation measures.

This amendment proposal was noticed in the New Jersey Register on June 20, 2011 at 43 N.J.R. 1459(a) and no comments were received during the comment period

Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project activity.



Thomas Micai, Director
Division of Land Use Planning
Department of Environmental Protection



Date