



ENVIRONMENTAL REPORT

Application Information

Application			
File & Activity Number(s)	Admin Complete Date	20th Day	90TH/120TH DAY
0102-24-0001.1 LUP240001	01/12/2024		120 th (WFD/FHA): 5/10/24 90 th (CAFRA): 5/20/24
Environmental Specialist	Environmental Engineer	Applicant Name/Contact	Consultant Name/Contact
Becky Mazzei	Michael Sheehan	ASOW Services LLC c/o Jennifer Daniels	Brian McPeak bmcpeak@psands.com
Permit Type		Site Visit?	
CAFRA Individual Permit-Commercial/Industry/Public WFD IP-Commercial/Industrial/Public (Waterward) FHA Verification-Method 2 (FEMA Tidal Method)		No	
Block(s)/Lot(s)		X	Y
[567, 2]		512301.61	197469.58
Municipality	County	Address	
Atlantic City	Atlantic	801 North Maryland Avenue	
Previously Issued Authorizations or Violations Onsite?			
N/A – none listed in WebIntelligence or NJEMS			
Project Description			
<p>The applicant is proposing to construct a new 541 LF bulkhead along the shoreline of the site, associated with a future proposed O&M Facility on the upland of this site (pending under 0102-24-0001.1 LUP240002). The bulkhead will result in the filling of 1,082 SF of ISS/Tidal waters. Most of the bulkhead is located at or below the MHWL, but a portion extends through the upland perpendicular to the water. Therefore, a CAFRA IP is also required.</p> <p>This site was previously bulkheaded prior to 1977, but that bulkhead has deteriorated over time, so the current proposal is considered a new bulkhead.</p>			

Administrative History

- Application Administratively Complete: January 12, 2024
- Published Special Notice in DEP Bulletin: February 7, 2024
- Receive SHPO Comments: February 8, 2024
- Begin Public Comment: February 21, 2024
- Receive T&E Comments: March 14, 2024
- End Public Comment: March 21, 2024
- Receive Mitigation Comments: April 2, 2024
- 90th Day Deadline (WFD/FHA): April 10, 2024
- 120th Day Deadline (WFD/FHA): May 10, 2024
- 90th Day Deadline (CAFRA): May 20, 2024

Public Comments

Comments from the public were received for this application. Many of the comments were directed at off-shore wind development in general and not specifically the O&M Facility Bulkhead that is the subject of this application. These concerns, which ranged from concerns with water contamination, subsidence, EMFs, impacts to tourism, tree removal, concerns about sinkholes, trenching impacts, effects on property values, aesthetic impacts, air quality impacts, and the untested technology of wind power were addressed in the Department’s findings for the ASOW South Federal Consistency (0000-21-0022.1 CDT210001) issued 4/1/24.

Additional concerns were expressed about not having adequate time for the public to comment on this application. The subject application is for a bulkhead only, and the regulatory timeframes for the public comment period were adhered to as outlined above.

Lastly, there were concerns about impacts to finfish migratory pathways (7:7-9.5) and secondary impacts associated with the O&M facility, specifically, does the approval of the O&M Facility make the development of offshore wind more likely. Compliance with the finfish migratory pathways rule (9.5) is addressed in the report below. Secondary impacts for the O&M Facility will be addressed in the O&M Facility CAFRA IP Review.

Flood Hazard Information

Waterbody & Riparian Zone			
Stream Classification	Stream Name	Sub-Watershed	Watershed
FW2-NT/SE1	Clam Creek	Reeds Bay / Absecon Bay & tribs	Reeds Bay / Absecon Bay & tribs
FHA Regulated Feature? <i>Does the Stream Drain more than 50 acres? (Use Stream Stats or Consult with an Engineer)</i>	C1 <i>Check within 1-mile Downstream in the same HUC-14</i>	TP <i>Check within 1-mile Downstream in the same HUC-14</i>	TM <i>Check within 1-mile Downstream in the same HUC-14</i>
Yes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Riparian Zone Determination			
No Riparian Zone	50 ft Riparian Zone	150 ft Riparian Zone	300 ft Riparian Zone
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments/Notes			
The riparian zone is 50’; however, there is very little vegetation within 50’ of top of bank and no permanent disturbance to any riparian zone vegetation is proposed as part of this project.			

Structure Information

☐ Not Applicable

This site was previously bulkheaded prior to 1977, but that bulkhead has deteriorated over time, so the current proposal is considered a new bulkhead. The new bulkhead will be constructed at the MHWL on the eastern edge of the site and as far as 7' waterward of the MHWL at the western edge of the site, resulting in 1,082 SF of fill below the MHWL.

Dredging Information

☐ Not Applicable

Although dredging is not proposed under the current application, the applicant has noted that Atlantic City has received authorization to dredge in Clam Creek and the surrounding areas (DLRP WFD Permit 0102-20-0001.1 LUP210001 issued 2/23/22).

Tidelands Information

☐ Not Applicable

Tidelands	
Does the Property require a tidelands Instrument?	Map No.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	196-2064
Is there an existing conveyance?	If Yes, Describe
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comments	
The project area is covered by a Grant to Atlantic City, 3/15/20, Liber A-1, pg. 16	

Existing Structures

☐ Not Applicable

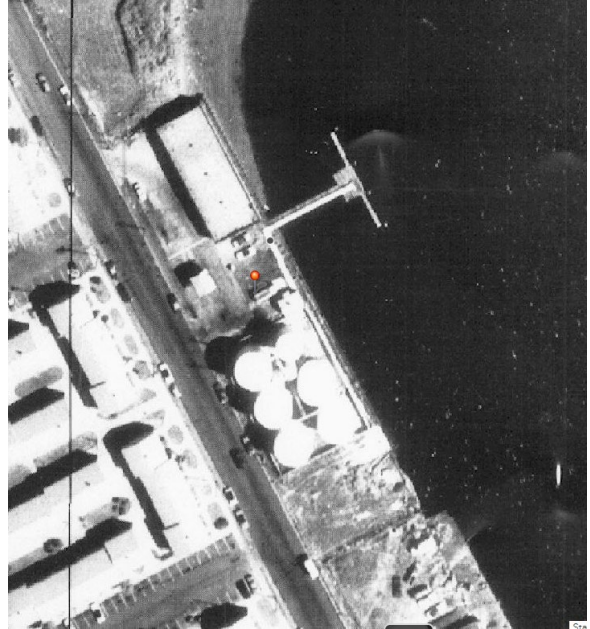
Aerial Photography (Are there existing structures on aerial photography? Are they legal?)

1970 Coastal Wetlands Map



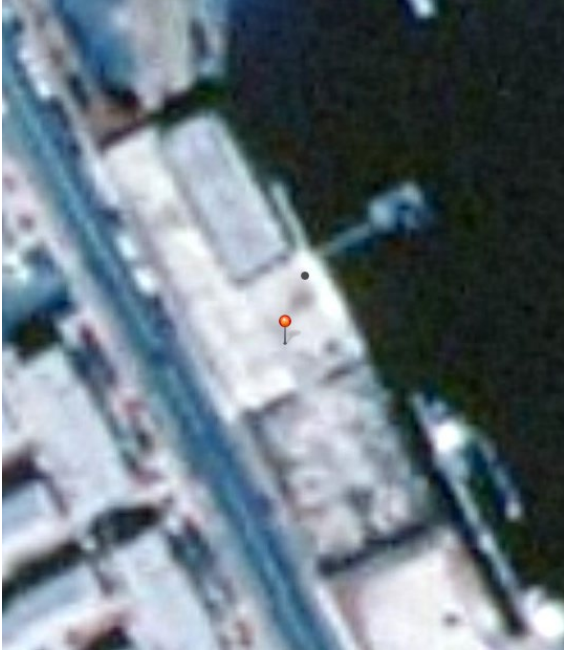
Site is bulkheaded with a dock; no coastal wets

1977/78 Tidelands Map



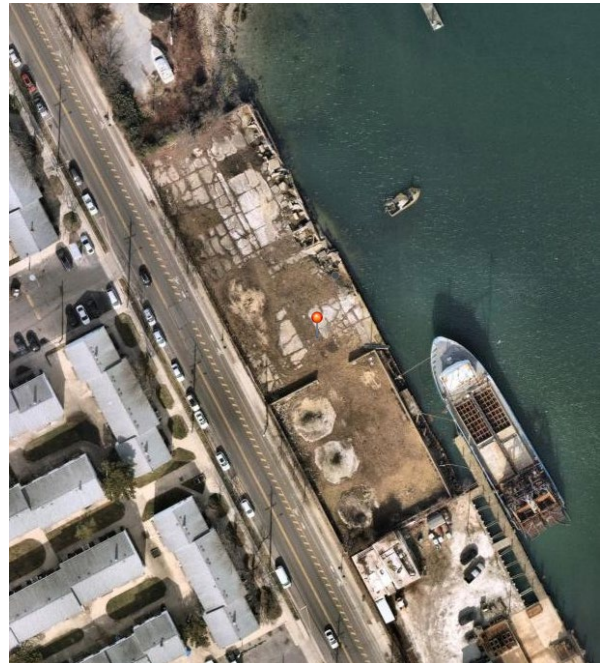
No change

1995 Aerials



Tank farm has been removed from upland, building remains.
Dock configuration has changed.

2023 Aerial



Site is vacant; northern portion of bulkhead has collapsed

Wetland Information

☒ Not Applicable

No mapped coastal wetlands, freshwater wetlands, or transition areas are located within the project area.

Shellfish Information

☐ Not Applicable

Shellfish		
1963 Classification	1986 Classification	Other Maps
Plate 4 - Little Egg Harbor to Long Port - Moderate Value Commercial		
Is a deed restriction required?	Was it added as condition of the permit?	Water Classification
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Prohibited
Comments		

Submerged Aquatic Vegetation Information

☐ Not Applicable

Submerged Aquatic Vegetation (SAV)		
1979 Map Name	1986 Map Name	Other Maps
Oceanville – not mapped	N/A	N/A
Comments		

T&E Information

☐ Not Applicable

Endangered & Threatened Species			
Is a E&T Review Required?	Date Sent	In NJEMS?	Did you Receive Comments?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is a US Fish & Wildlife Review Required? Applicable Permit Types: FWW GP 2/4/5/6/7/10A/10B/11/13 15/17/18/20/22/23/24/26/27	Date Sent	In NJEMS?	Did you Receive Comments?

Endangered & Threatened Species			
N/A		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Landscape Region	Species (including mussels)	NHP Review? <i>Check Grid layer and letter to see if a T&E Flora or CWD Species Review is required</i>	Vernal Pool Review?
<input checked="" type="checkbox"/> Atlantic Coastal <input type="checkbox"/> Delaware Bay <input type="checkbox"/> Marine <input type="checkbox"/> Piedmont Plains <input type="checkbox"/> Pinelands <input type="checkbox"/> Skylands <input type="checkbox"/> Freshwater Mussel	Osprey, Black Skimmer, Peregrine Falcon, Yellow-crowned Night Heron, Black-crowned Night Heron, Least Tern	No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Comments			
In comments dated 3/14/24, the T&E Unit determined that no adverse impact to suitable habitat for State-listed species is anticipated as a result of the proposed project.			

Fishery Resource Information

☒ Not Applicable

Navigation Information

☒ Not Applicable

Deed Restriction Information

☐ Not Applicable

Deed Restriction	
Does the site require a deed restriction?	Describe:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Because the new bulkhead is being constructed up to 7' waterward of the MHWL, a deed restriction will be imposed requiring all future bulkhead replacements to be in-place of the authorized bulkhead.
Comments	
Bulkhead DR	

ACOE Information

☐ Not Applicable

ACOE		
Does project require Army Corps of Engineers approval?	If yes, which SPGP applies?	If yes, can DLUR issue?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> SPGP17 <input type="checkbox"/> SPGP19	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

ACOE
Comments
The permit will be conditioned upon obtaining ACOE approval for the construction of a bulkhead below the MHWL.

Public Access Information

☐ Not Applicable

Public access is not required under this permit application, since no development is being proposed in the upland. The pending permit application for the O&M Facility at this site will require compliance with the public access rule.

SHPO Information

☐ Not Applicable

SHPO				
Is a SHPO Review Required?	Trigger for Review	Date Sent	In NJEMS?	Did you Receive Comments?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Exceeds 20 ac & adjacent to a water body <input type="checkbox"/> Structure over 50yrs old <input type="checkbox"/> Bridge or Culvert Disturbance <input type="checkbox"/> Letter from a concerned citizen <input type="checkbox"/> Archeological Grid No: <div></div>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<div>Comments</div> <p>In comments dated 2/8/24, SHPO determined that there are no buildings, structures, sites, objects, or historic districts on or adjacent to the project location that are listed in, or that have been identified as eligible for listing in the New Jersey or National Registers of Historic Places. Although the project setting is sensitive for archaeological sites, the project only has a low potential to affect historic and archaeological remains. Consequently, the HPO does not recommend further consideration prior to permit issuance.</p>				

Stormwater Requirements

☒ Not Applicable

Planning Area Information

☐ Not Applicable

Planning Areas			
Highlands Preservation Area? <i>Does this project require a Highlands Permit or Coordination?</i>	Date Sent	In NJEMS?	Did you receive comments back?
No		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Pinelands Preservation Area? <i>Does this project require a pinelands authorization?</i>	Date Sent	In NJEMS?	Did you receive comments back?
No		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Meadowlands Preservation Area? <i>Applied for a Meadowlands Wetland Certificate?</i>	Date Sent	In NJEMS?	Did you receive comments back?
No		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Contaminated Site? <i>Consult with ODST</i>	Date Sent	In NJEMS?	Did you receive comments back?
Applicant is seeking Request for Closure		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
CAFRA Area?	Impervious Cover Limits CAFRA?	CAFRA Forested?	Coastal Wetlands?
Yes	N/A	N/A	No
Is a Green Acres Review Required?	Date Sent	In NJEMS?	Did you receive comments back?
No		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Is an EPA Review Required?	Date Sent	In NJEMS?	Did you receive comments back?
No		<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Is this located in an Environmental Justice Overburdened Community?	Notes	Is the project Located in a Sewer Service Area?	Notes
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Comments			

Mitigation Requirements

☐ Not Applicable

Mitigation				
Is Mitigation Required?	FWW/FWW TA	Riparian Zone	Coastal Wetlands	ISS
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A				0.025
Was a MIT Proposal Provided?	Sent MIT Form & Email to Mitigation for Review?	Date Sent	In NJEMS?	Has Mitigation Approved the Plan?
No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Comments				
Mitigation is required for this project for the filling of 1,082 SF (0.025 ac) of ISS for the construction of a bulkhead below the MHWL. The Mitigation Unit provided permit conditions requiring this mitigation to be satisfied.				

Remediation Review

☐ Not Applicable

The site is a known contaminated site under PI 007378, specifically it is a Classification Exception Area/Well Restriction Area, due to the presence of a groundwater plume on-site. The clean-up is in the Post-No Further Action Monitoring phase. Since the bulkhead is not related to the groundwater on the site, the groundwater plume is not anticipated to impact the project.

The applicant also obtained an LSRP to investigate historic fill soil contamination on-site. Any soil contamination issues will be addressed during the review of the upland portion of the project.

Environmental Review Elements

Waterfront Development & CAFRA Environmental Elements

Individual Permit Requirements for Special Areas – Subchapter 9 (7:7 et al)

Citation	Activity	Not Applicable	Analysis
7:7-9.2	Shellfish Habitat	<input checked="" type="checkbox"/>	
7:7-9.3	Surf Clam Areas	<input checked="" type="checkbox"/>	
7:7-9.4	Prime Fishing Areas	<input checked="" type="checkbox"/>	

Citation	Activity	Not Applicable	Analysis
7:7-9.5	Finfish Migratory Pathways	<input type="checkbox"/>	Public comment was received expressing concern with compliance with this rule. This rule prohibits structures which create a physical barrier to the movement of fish and development which lowers water quality to such an extent as to interfere with the movement of fish. The proposed bulkhead is parallel to the shoreline, so will not be a physical barrier to fish movement. The bulkhead will also not lower water levels.
7:7-9.6	Submerged Aquatic Vegetation (SAV)	<input checked="" type="checkbox"/>	
7:7-9.7	Navigation Channels	<input checked="" type="checkbox"/>	
7:7-9.8	Canals	<input checked="" type="checkbox"/>	
7:7-9.9	Inlets	<input checked="" type="checkbox"/>	
7:7-9.10	Marina Moorings	<input checked="" type="checkbox"/>	
7:7-9.11	Ports	<input checked="" type="checkbox"/>	
7:7-9.12	Submerged Infrastructure Routes	<input checked="" type="checkbox"/>	
7:7-9.13	Shipwreck & Artificial Reef Habitats	<input checked="" type="checkbox"/>	
7:7-9.14	Wet Borrow Pits	<input checked="" type="checkbox"/>	
7:7-9.15	Intertidal & Subtidal Shallows	<input type="checkbox"/>	<p>A portion of the proposed bulkhead extends waterward of the MHWL, resulting in 1,082 SF of ISS fill. According to 9.15(h), The construction and/or replacement of a bulkhead within intertidal and subtidal shallows is conditionally acceptable provided the bulkhead meets the requirements of the filling rule at N.J.A.C. 7:7-12.11(f) and the coastal engineering rule at N.J.A.C. 7:7-15.11(d). As demonstrated below, the project complies with these standards.</p> <p>The permit will be conditioned upon providing ISS mitigation.</p>
7:7-9.16	Dunes	<input checked="" type="checkbox"/>	
7:7-9.17	Overwash Areas	<input checked="" type="checkbox"/>	
7:7-9.18	Coastal High Hazard Areas	<input type="checkbox"/>	The bulkhead is proposed within the V-Zone, which is acceptable under this rule, as it is a water dependent development.
7:7-9.20	Barrier Island Corridor	<input checked="" type="checkbox"/>	
7:7-9.21	Bay Islands	<input checked="" type="checkbox"/>	
7:7-9.22	Beaches	<input checked="" type="checkbox"/>	

Citation	Activity	Not Applicable	Analysis
7:7-9.23	Filled Water's Edge	<input type="checkbox"/>	The site is considered filled water's edge; however, there is no development proposed on the upland at this time.
7:7-9.24	Existing Lagoon Edges	<input checked="" type="checkbox"/>	
7:7-9.25	Flood Hazard Area	<input type="checkbox"/>	Compliance has been determined per the engineer's review.
7:7-9.26	Riparian Zones	<input type="checkbox"/>	No proposed impacts to vegetation.
7:7-9.27	Wetlands	<input checked="" type="checkbox"/>	
7:7-9.28	Wetland Buffer	<input checked="" type="checkbox"/>	
7:7-9.29	Coastal Bluff	<input checked="" type="checkbox"/>	
7:7-9.30	Intermittent Stream Corridors	<input checked="" type="checkbox"/>	
7:7-9.31	Farmland Conservation Areas	<input checked="" type="checkbox"/>	
7:7-9.32	Steep Slopes	<input checked="" type="checkbox"/>	
7:7-9.33	Dry Borrow Pits	<input checked="" type="checkbox"/>	
7:7-9.34	Historic & Archeological Resources	<input checked="" type="checkbox"/>	
7:7-9.35	Specimen Trees	<input checked="" type="checkbox"/>	
7:7-9.36	Endangered or Threatened Wildlife or Plant Species Area	<input type="checkbox"/>	See T&E section above – no concerns
7:7-9.37	Critical Wildlife Habitat Area	<input checked="" type="checkbox"/>	
7:7-9.38	Public Open Space	<input checked="" type="checkbox"/>	
7:7-9.39	Special Hazard Areas	<input type="checkbox"/>	See Remediation Review section above
7:7-9.40	Excluded Federal Land	<input checked="" type="checkbox"/>	
7:7-9.41	Special Urban Areas	<input type="checkbox"/>	Atlantic City is a special urban area. The construction of a bulkhead on this site will help restore the upland to a condition that can support commercial development.
7:7-9.42	Pinelands National Reserve & Pinelands Protection Area	<input checked="" type="checkbox"/>	
7:7-9.43	Meadowlands District	<input checked="" type="checkbox"/>	
7:7-9.44	Wild & Scenic River Corridors	<input checked="" type="checkbox"/>	
7:7-9.45	Geodetic Control Reference Marks	<input type="checkbox"/>	Comments from NJDOT dated 2/12/24 confirmed that there are no geodetic markers in the vicinity.

Citation	Activity	Not Applicable	Analysis
7:7-9.46	Hudson River Waterfront Area	<input checked="" type="checkbox"/>	
7:7-9.47	Atlantic City	<input type="checkbox"/>	The project is located in Atlantic City. However, none of the provisions of this rule apply to this type of project.
7:7-9.48	Lands & Waters Subject to Public Trust Rights	<input type="checkbox"/>	Clam Creek is subject to public trust rights.

Individual Permit Requirements for General Water Areas – Subchapter 12 (7:7 et al)

Citation	Activity	Not Applicable	Analysis
7:7-12.2	Shellfish Aquaculture	<input checked="" type="checkbox"/>	
7:7-12.3	Boat Ramps	<input checked="" type="checkbox"/>	
7:7-12.4	Docks & Piers for Cargo & Commercial Fisheries	<input checked="" type="checkbox"/>	
7:7-12.5	Recreational Docks & Piers	<input checked="" type="checkbox"/>	
7:7-12.6	Maintenance Dredging	<input checked="" type="checkbox"/>	
7:7-12.7	New Dredging	<input checked="" type="checkbox"/>	
7:7-12.8	Environmental Dredging	<input checked="" type="checkbox"/>	
7:7-12.9	Dredged Material Disposal	<input checked="" type="checkbox"/>	
7:7-12.10	Solid Waste or Sludge Dumping	<input checked="" type="checkbox"/>	
7:7-12.11	Filling	<input type="checkbox"/>	<p>A bulkhead can be permitted to fill ISS provided it meets the requirements of the filling rule at N.J.A.C. 7:7-12.11(e). The proposed bulkhead and associated fill is in support of a proposed water dependent use at this site, specifically an O&M Facility for Offshore Wind, which will provide a warehouse, office, hydraulic cranes, and vessel mooring to facilitate maintenance of offshore wind turbines.</p> <p>The upland portion of the site is narrow, and the 1,082 SF of fill is necessary to ‘square off’ the site to provide adequate space for vehicular turning movements around the building.</p> <p>No adverse impacts to fisheries or T&E habitat are anticipated as a result of this project. The permit will require that mitigation be provided for the fill.</p>

Citation	Activity	Not Applicable	Analysis
7:7-12.12	Mooring	<input checked="" type="checkbox"/>	
7:7-12.13	Sand & Gravel Mining	<input checked="" type="checkbox"/>	
7:7-12.14	Bridges	<input checked="" type="checkbox"/>	
7:7-12.15	Submerged Pipelines	<input checked="" type="checkbox"/>	
7:7-12.16	Overhead Transmission Lines	<input checked="" type="checkbox"/>	
7:7-12.17	Dams & Impoundments	<input checked="" type="checkbox"/>	
7:7-12.18	Outfalls & Intakes	<input checked="" type="checkbox"/>	
7:7-12.19	Realignment of Water Areas	<input checked="" type="checkbox"/>	
7:7-12.20	Vertical Wake or Wave Attenuation Structures	<input checked="" type="checkbox"/>	
7:7-12.21	Submerged Cables	<input checked="" type="checkbox"/>	
7:7-12.22	Artificial Reefs	<input checked="" type="checkbox"/>	
7:7-12.23	Living Shoreline	<input checked="" type="checkbox"/>	
7:7-12.24	Miscellaneous Uses	<input checked="" type="checkbox"/>	

Individual Permit Requirements for Impervious Cover & Vegetative Cover for General Land Areas & Certain Special Areas – Subchapter 13 (7:7 et al)

N/A – bulkhead is linear project

Individual Permit Requirements for General Location Rule – Subchapter 14 (7:7 et al)

Citation	Activity	Not Applicable	Analysis
7:7-14.1	Linear Development	<input checked="" type="checkbox"/>	
7:7-14.2	Basic Location Rule	<input checked="" type="checkbox"/>	The proposed bulkhead is waterward of a previously bulkheaded property that is eroding, and will serve to protect and preserve the upland area to be redeveloped. The project is not anticipated to adversely affect T&E habitat or fisheries.

Citation	Activity	Not Applicable	Analysis
7:7-14.3	Secondary Impacts	<input type="checkbox"/>	No secondary impacts are anticipated as a result of the proposed bulkhead. Any future development at the site will require additional permits under the CZM rules.

Individual Permit Requirements for Use Rule – Subchapter 15 (7:7 et al)

Citation	Activity	Not Applicable	Analysis
7:7-15.2	Housing	<input checked="" type="checkbox"/>	
7:7-15.3	Resort/Recreational	<input checked="" type="checkbox"/>	
7:7-15.4	Energy Facility	<input checked="" type="checkbox"/>	
7:7-15.5	Transportation	<input checked="" type="checkbox"/>	
7:7-15.6	Public Facility	<input checked="" type="checkbox"/>	
7:7-15.7	Industry	<input checked="" type="checkbox"/>	
7:7-15.8	Mining	<input checked="" type="checkbox"/>	
7:7-15.9	Port	<input checked="" type="checkbox"/>	
7:7-15.10	Commercial Facility	<input checked="" type="checkbox"/>	
7:7-15.11	Coastal Engineering	<input type="checkbox"/>	<p>This rule provides a hierarchy for shore protection structures. Because this site was historically bulkheaded since at least the 1930s, and given the narrow site configuration and V zone wave energy, a new bulkhead is acceptable on this site.</p> <p>Additionally, a bulkhead can be permitted to fill ISS provided it meets the requirements of the coastal engineering rule at N.J.A.C. 7:7-15.11(d). The permit will be conditioned upon the bulkhead being designed to withstand wave runup in the V Zone. The bulkhead is not considered a reconstruction as it is no longer functioning; therefore, it is being reviewed as a new bulkhead.</p>
7:7-15.12	Dredged Material Placement on Land	<input checked="" type="checkbox"/>	
7:7-15.13	National Defense Facility	<input checked="" type="checkbox"/>	
7:7-15.14	High Rise Structure	<input checked="" type="checkbox"/>	

Individual Permit Requirements for Resource Rule – Subchapter 16 (7:7 et al)

Citation	Activity	Not Applicable	Analysis
7:7-16.2	Marine Fish & Fisheries	<input checked="" type="checkbox"/>	
7:7-16.3	Water Quality	<input checked="" type="checkbox"/>	
7:7-16.4	Surface Water Use	<input checked="" type="checkbox"/>	
7:7-16.5	Groundwater Use	<input checked="" type="checkbox"/>	
7:7-16.6	Stormwater Management Use	<input checked="" type="checkbox"/>	
7:7-16.7	Vegetation	<input checked="" type="checkbox"/>	
7:7-16.8	Air Quality	<input checked="" type="checkbox"/>	
7:7-16.9	Public Access	<input type="checkbox"/>	See public access section above
7:7-16.10	Scenic Resources & Design	<input checked="" type="checkbox"/>	
7:7-16.11	Buffers and Compatibility of uses	<input checked="" type="checkbox"/>	
7:7-16.12	Traffic	<input checked="" type="checkbox"/>	
7:7-16.13	Subsurface Sewage Disposal Systems	<input checked="" type="checkbox"/>	
7:7-16.14	Solid & Hazardous Waste	<input checked="" type="checkbox"/>	

Section 10 CAFRA NJSA 13:19 Requirements

Citation	Activity	Analysis
N.J.A.C. 7:7-1.4(b)1	Conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards.	Complies
N.J.A.C. 7:7-1.4(b)2	Prevents air emissions and water effluents in excess of the existing dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.	Complies

Citation	Activity	Analysis
N.J.A.C. 7:7-1.4(b)3	Provides for the collection and disposal of litter, recyclable material and solid waste in such a manner as to minimize adverse environmental effects and the threat to the public health, safety, and welfare.	Complies
N.J.A.C. 7:7-1.4(b)4	Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.	Complies
N.J.A.C. 7:7-1.4(b)5	Would cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.	Complies
N.J.A.C. 7:7-1.4(b)6	Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare.	Complies
N.J.A.C. 7:7-1.4(b)7	Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing public scenic attributes at the site and within the surrounding region.	Complies
N.J.A.C. 7:7-1.4(b)8	Provides, pursuant to standards established by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), on-site public access to the waterfront and adjacent shoreline, or off-site public access to the waterfront and adjacent shoreline if on-site public access is not feasible as determined by the department. Nothing in this subsection shall be construed to abrogate or otherwise affect any public access obligations or requirements of any permit, administrative order, consent decree, or court order in effect prior to the effective date of P.L.2015, c.260.	Complies

Statement of Authorization

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-24.1; N.J.A.C. 7:7-29.1.



WFD IP-Residential Development (Not SFH/Duplex) Waterward	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Shellfish habitat	0	0
Intertidal subtidal shallows (ISS)	0.025	0

Conditions

Needs ACOE
ISS Mit. Conditions
Bulkhead DR
Bulkhead in V Zone

Recommendation

As described above, the proposed project activities comply with the environmental standards set forth in N.J.A.C. 7:13 and N.J.A.C. 7:7.

Signatures			
Prepared By:		Date	5/8/24
	Becky Mazzei, Environmental Specialist 3		
Approved By:		Date	5/9/24
	Mark Davis, Section Chief		