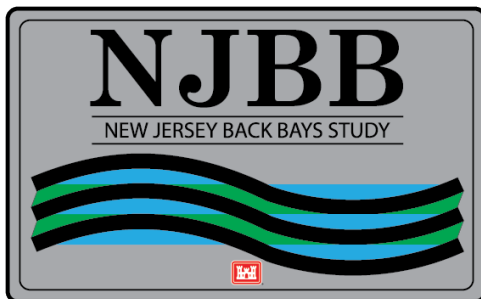

**ENVIRONMENTAL APPENDIX
COASTAL ZONE MANAGEMENT
FEDERAL CONSISTENCY EVALUATION**

**NEW JERSEY BACK BAYS
COASTAL STORM RISK MANAGEMENT
FEASIBILITY STUDY
PHILADELPHIA, PENNSYLVANIA**

APPENDIX F.7

December 2024



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1.0 INTRODUCTION

The proposed Tentatively Selected Plan (TSP) and other measures identified in the New Jersey Back Bays (NJBB) Feasibility Study require compliance with the Federal Coastal Zone Management Act (CZMA), 16 U.S.C. 1451, et seq. The CZMA requires each federal agency activity performed within or outside the coastal zone (including development projects) that affects land or water use, or natural resources of the coastal zone to be carried out in a manner which is consistent to the maximum extent practicable, i.e. fully consistent, with the enforceable policies of approved state management programs unless full consistency is prohibited by existing law applicable to the federal agency.

To implement the CZMA and to establish procedures for compliance with its federal consistency provisions, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), promulgated regulations which are contained in 15 C.F.R. Part 930. As per 15 CFR 930.37, a federal agency may use its NEPA documents as a vehicle for its consistency determination.

In New Jersey, the CZMA Federal Consistency program is administered by the New Jersey Department of Environmental Protection – Division of Land Use Regulation (NJDEP-DLUR). The TSP includes a number of structural and nonstructural measures and Natural and Nature Based Features (NNBFs) that would have significant effects in New Jersey’s coastal zone. Therefore, a detailed review and evaluation of these effects with the applicable coastal management policies will be conducted with the TSP and other study phases to determine the applicability of these policies, and their effects. This evaluation will be reviewed by the NJDEP-DLUR for a Federal Consistency Determination.

Currently, the NJBB Study has completed the TSP Milestone meeting phase of the USACE Specific, Measurable, Attainable, Risk Informed, Timely (SMART) Civil Works planning process, where a plan will be recommended by the USACE vertical chain of command. At this stage of the planning, the major components of the TSP have been identified and evaluated at a lower level of analysis. The complexity of the analysis will increase upon concurrent public review with comments and responses from the public, agencies, and other stakeholders. These analyses will inform the next milestone in the feasibility study at the Agency Decision Milestone (ADM), which will identify the “preferred plan” to be presented in the Final Feasibility Report/NEPA document.

On December 17, 2019, the U.S. Army Corps of Engineers (USACE), Philadelphia District published a Notice of Intent (NOI) in the Federal Register (Volume 84, Number 242, 68910) declaring its intent to prepare an EIS to determine the feasibility of implementing the Coastal Texas Study. Because of the uncertainty and complexity of a number of the potential solutions to the problems, the Study employs a tiered NEPA compliance approach, in accordance with the Council on Environmental Quality’s (CEQ’s) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500—1508, specifically 1502.20).

Under this structure, rather than preparing a single definitive EIS as the basis for approving the entire project, the USACE will conduct two or more rounds – or “tiers” – of environmental review. For projects as large and complex as the Study, this approach has been found to better support disclosure of potential environmental impacts for the entire project at the initial phase. Subsequent NEPA documents are then able to present more thorough assessments of impacts and mitigation need as the proposed solutions are refined and more detailed information

becomes available in future phases of the project. This tiered approach also provides for a timely response to issues that arise from specific, proposed actions and supports forward progress toward completion of the overall study.

A Tier One assessment analyzes the project on a broad scale, while taking into account the full range of potential effects to both the human and natural environments from potentially implementing proposed solutions. The purpose of the Tier One EIS is to present the information considered to a preferred alternative, describe the comprehensive list of measures, and identify data gaps and future plans to supplement the data needed to better understand the direct, indirect, and cumulative effects of the proposed solutions.

Once refinements and additional information is gathered, USACE will shift to a Tier Two assessment, which involves preparation of one or more additional NEPA documents (either an EIS or Environmental Assessment) that build off the original EIS to examine individual components of the Recommended Plan in greater detail. Whether an EIS or EA is developed will be dependent on the significance of impacts anticipated from the action. In either situation, Tier Two assessments will comply with CEQ Regulations, including providing for additional public review periods and resource agency coordination. The Tier Two document would disclose site specific impacts to the proposed solution and identify the avoidance, minimization, and compensatory mitigation efforts to lessen adverse effects.

Federal consistency review pursuant to the CZMA is being conducted in accordance with this tiered approach commensurate with the level of detail in design and analysis at each stage. If appropriate, actionable items will be identified at each stage and evaluated for their compliance with New Jersey Coastal Management Policies. At this stage of review (Draft Tier 1 EIS), no actionable measures have been identified by USACE; therefore, this Federal Consistency Review serves to identify applicable policies and coastal resources that are potentially affected by the TSP features presented.

2.0 STUDY AREA

The study area includes the bays and river mouths located landward of the barrier islands and Atlantic Ocean-facing coastal areas in the State of New Jersey. The study area covers more than 950 square miles, and 3,500 linear miles of shoreline from Long Branch at the northern study area boundary to Cape May Point at the southern boundary.

The NJBB study area is divided into 5 planning regions as described below: Coastal Lakes, Shark River, North, Central, and South.

2.1.1 Coastal Lakes Region

This region includes two discontinuous segments separated by the Shark River Region, which is discussed in the following paragraph. The Coastal Lakes region is almost entirely urbanized and includes all or portions of fifteen municipalities. In the Coastal Lakes region, four coastal lakes are in Ocean County and ten coastal lakes are in Monmouth County (an additional two coastal lakes in Monmouth County are in the Shark River Region discussed below). None of the lakes is presently connected to the Atlantic Ocean via a tidal inlet; however, 19th Century mapping shows that the lakes at the time were in fact small tidal estuaries, with each inlet subsequently closed by natural or human actions. Most of the lakes have some form of water level management that allows high lake levels to be reduced by discharge to the ocean.

2.1.2 Shark River Region

The Shark River Region includes the Shark River estuary and all or portions of seven highly urbanized municipalities in Monmouth County. Sylvan and Silver Lakes are coastal lakes that are included in the Shark River Region. Under ordinary tidal conditions, this is an isolated hydraulic reach; there is no tidal connection between the Shark River estuary and the Manasquan Inlet estuary to the south.

2.1.3 North Region

The north region of the Study Area extends from Manasquan Inlet and the Manasquan River Estuary south to Little Egg Harbor Inlet and the Mullica River/Great Bay estuary. This is the largest region established for the New Jersey Back Bays analyses. It covers 536 square miles and includes all or portions of 45 municipalities in Ocean, Burlington, and Atlantic Counties. There are only three inlets – Manasquan, Barnegat, and Little Egg – along a 45-mile long segment of the NJ coast. These three inlets are the only connections between the Atlantic Ocean and the large shallow back bays that include Barnegat Bay, Manahawkin Bay, Little Egg Harbor, and Great Bay.

The shorelines on the east side of the back bays, along the barrier spit extending from Manasquan Inlet to Barnegat Inlet and along Long Beach Island, are fully developed. The two exceptions to this generalization include the nine mile-long reach occupied by Island Beach State Park and the three mile-long Holgate Spit at the southwest end of Long Beach Island. In contrast to the eastern shoreline of the back bays, the western shoreline on the mainland of New Jersey is much more heterogeneous. This area is characterized by medium density single

family home developments surrounded by back bay wetlands. There are numerous “finger canal” communities, many of which were developed in the period following World War II by bulk heading, dredging, and filling in what were previously tidal wetlands. In between the finger canal communities are more extensive reaches of back bay shoreline with little or no development. These areas typically consist of intertidal marsh/wetlands.

2.1.4 Central Region

The Central Region extends from Little Egg Inlet south to Corson Inlet, with an area of 312 square miles and all or portions of 21 municipalities in Atlantic and Cape May Counties. The ocean shoreline length of this region is about 27 miles and includes five tidal inlets: Little Egg, Brigantine, Absecon, Great Egg, and Corson. There are relatively shorter distances between inlets in this region compared to those of the North Region.

As in the North Region, the back-bay shorelines of the barrier islands are essentially fully developed with medium density residential and business infrastructure. However, the western (mainland) shorelines of the Central Region are significantly less densely developed than is the case in the North Region.

2.1.5 South Region

The South Region extends from Corson Inlet south and west around Cape May Point to the west end of the Cape May Canal, with an area of 146 square miles. All or portions of 16 municipalities are included in the region, all of which are part of Cape May County. There are five inlets that connect this region to the Atlantic Ocean and Delaware Bay. They include Corson, Townsends, Hereford, and Cape May Inlets and the western entrance to the Cape May Canal on Delaware Bay. The South Region is similar to the Central region in that the most extensive and dense development is along the west (back bay) side of the barrier islands, with relatively less dense development on the mainland side of the back bays.

2.2 Preferred Alternative (TSP) and Alternatives

2.2.1 No Action Alternative

The forecast of the future without-project (FWOP) condition reflects the conditions expected during the period of analysis. The future without-project condition provides the basis from which alternative plans are formulated and impacts are assessed. Since impact assessment is the basis for plan evaluation, comparison and selection, clear definition and full documentation of the without-project condition are essential. Gathering information about historic and existing conditions requires an inventory. Gathering information about potential future conditions requires forecasts, which should be made for selected years over the period of analysis to indicate how changes in economic and other conditions are likely to have an impact on problems and opportunities. Information gathering and forecasts will most likely continue throughout the planning process. The most likely future without project condition is considered to be if no NJBB action is taken, and is characterized by CSR projects and features, and socio-economic, environmental, and cultural conditions. This condition is considered as the baseline from which future measures will be evaluated with regard to reducing coastal storm risk

and promoting resilience. The Future-Without Project Condition serves as the baseline for evaluating the anticipated performance of alternatives. It documents the need for Federal action to address the water resources problem.

A base year of 2030 has been identified as the year when USACE projects associated with the NJBB CSRM Feasibility Study will be implemented or constructed. Several trends have been identified for the NJBB Region which are projected to continue into the future and will likely affect the future without-project condition for this study. It is anticipated that the study area will continue to experience damages from coastal storms, and that the damages may increase as a result of more intense storm events. These coastal storm events will likely continue to effect areas of low coastal elevations within the study area with pronounced localized effects in some areas.

In the future without project condition, it is anticipated that sea level is increasing throughout the study area that shorelines are changing in response to sea level change, and historic erosion patterns will continue and accelerate. It is anticipated that there will continue to be significant economic assets within the NJBB region, and that population and development will continue to increase. Based on a desktop inventory of structures compiled for the HEC-FDA model, the New Jersey Back Bays study area experiences a total of \$2,645,467,000 in FWOP Average Annual Damages (AAD) over a 50-year period of analysis based on the intermediate rate of relative sea level change (RSLC).

The FWOP condition no-action alternative would see no additional federal involvement in storm damage reduction as outlined within this study. Current projects and programs that the USACE conducts in conjunction with other Federal and non-Federal entities would continue and would be constructed by 2030.

The FWOP condition does consider those projects that have been completed (existing), are under construction, or have been authorized for construction and are anticipated to be constructed by

2030. Any proposed projects, which are not yet authorized for construction, are not considered part of the FWOP conditions for analysis.

1.2 Action Area

The action area is defined as all areas that may be affected directly or indirectly by the Federal action/TSP and not merely the immediate area involved in the action. It encompasses the geographic extent of environmental changes (i.e., the physical, chemical and biotic effects) that will result directly and indirectly from the action and is a subset of the NJBB Study Area.

The tentatively selected plan (TSP) includes the following project components:

- Elevation of 6,421 residential structures (Figure 1);
- Floodproofing of 279 critical infrastructure elements (police, fire, ambulance, hospital, pharmacy) (Figure 1, Figure 3, and Figure 5); and
- Nature-Based Solutions (NBS) with dredged material (from confined disposal facilities [CDFs] or navigation channels) used to restore degraded salt marsh habitat at approximately 7 locations in the back bay area (Figure 2).

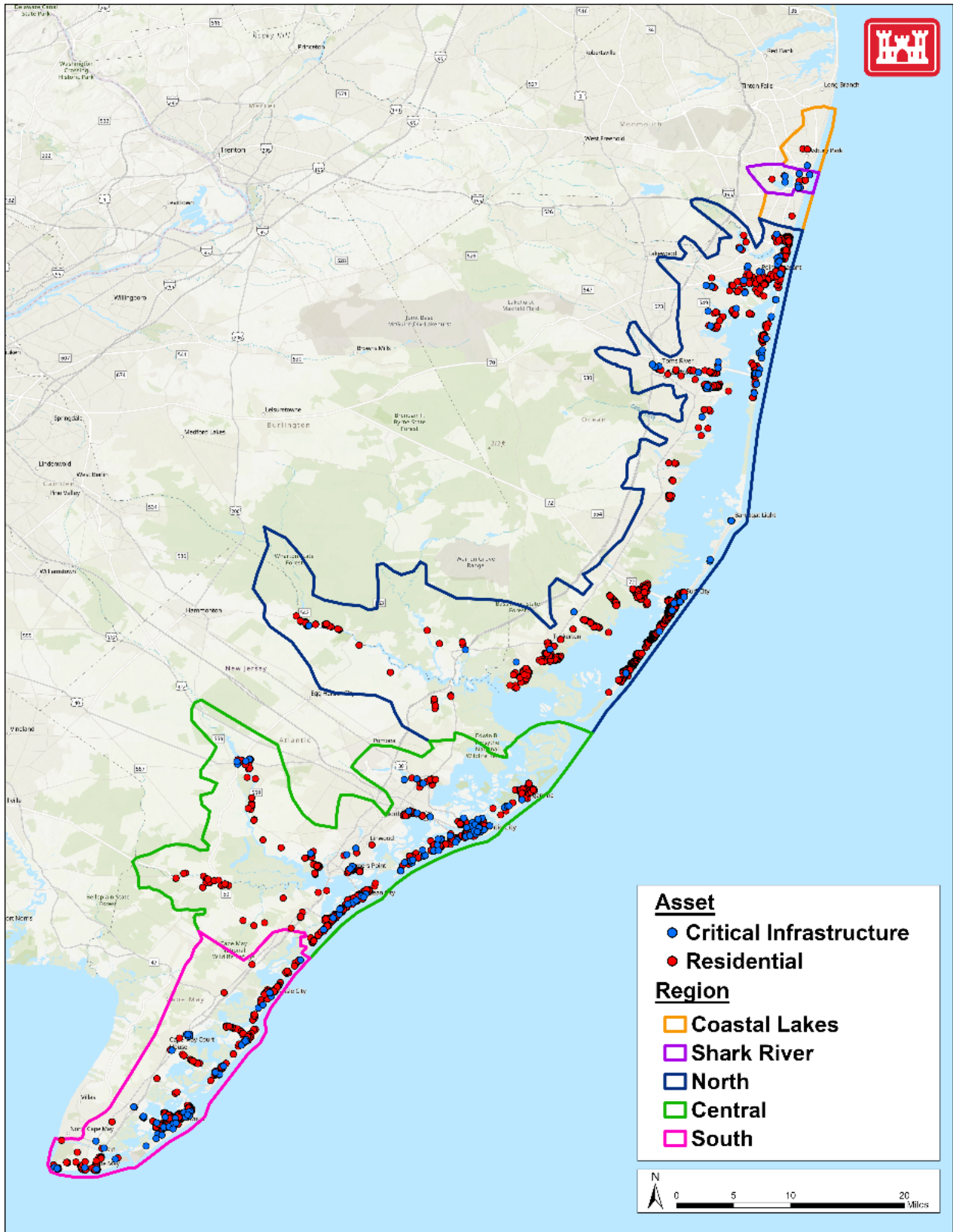


Figure 1. NJBB CSRM Non-structural Measures in the Tentatively Selected Plan

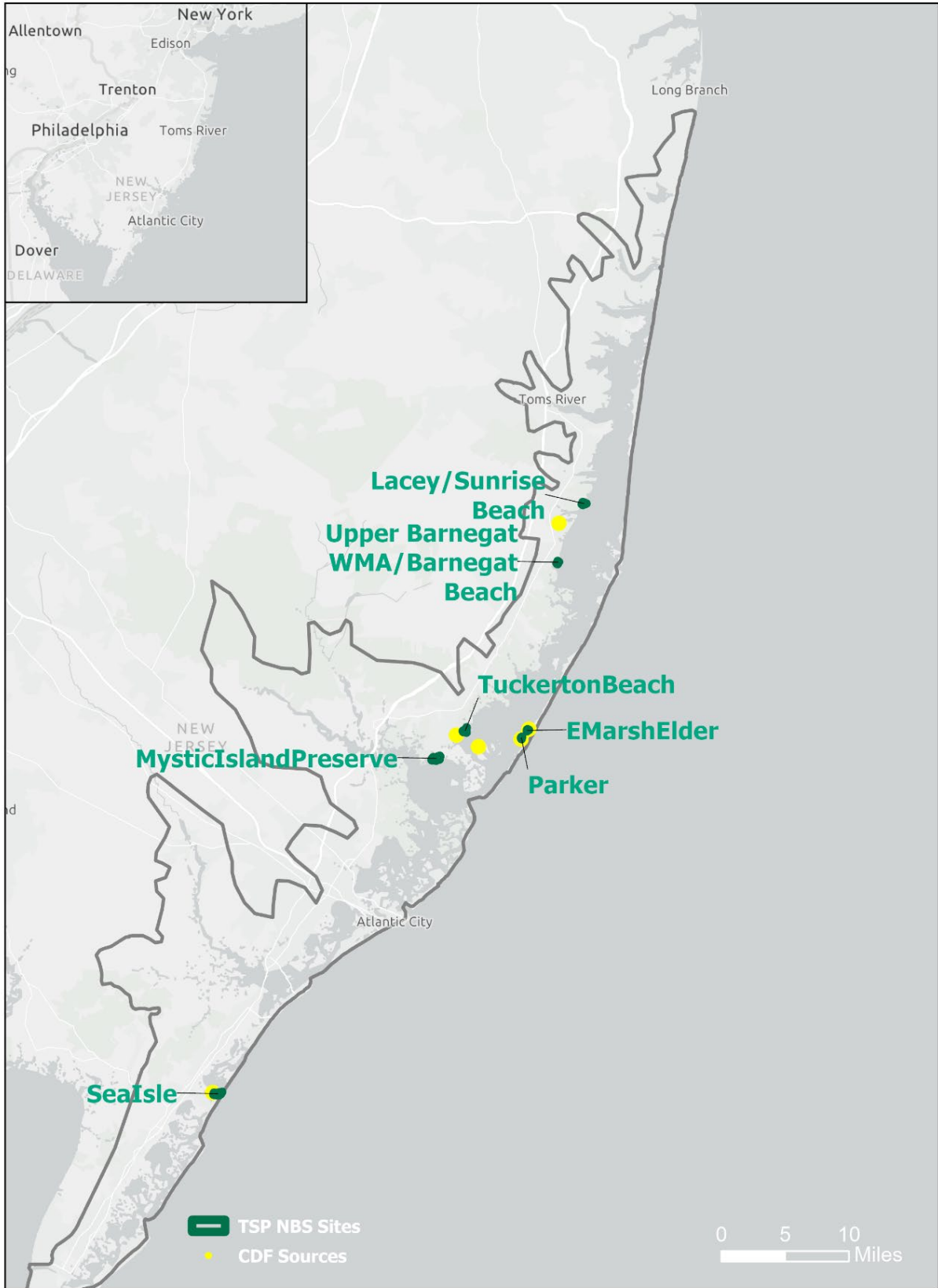


Figure 2. NJBB CSRM NBS Sites and CDFs in the Tentatively Selected Plan

1.3 Project Description

3.1 Nonstructural Measures

Structure Elevation. There are six (6) different design options available for elevation of private residences. These include Extended Foundation, Piers, Posts, Columns, Piles and Fill. The extended foundation would be the most common method to elevate houses. This involves hydraulically lifting the house and building up the foundation underneath it. Figure 3 shows a concept drawing for extended foundation elevations. Figure 4 provides a rendering of a home before and after elevation.

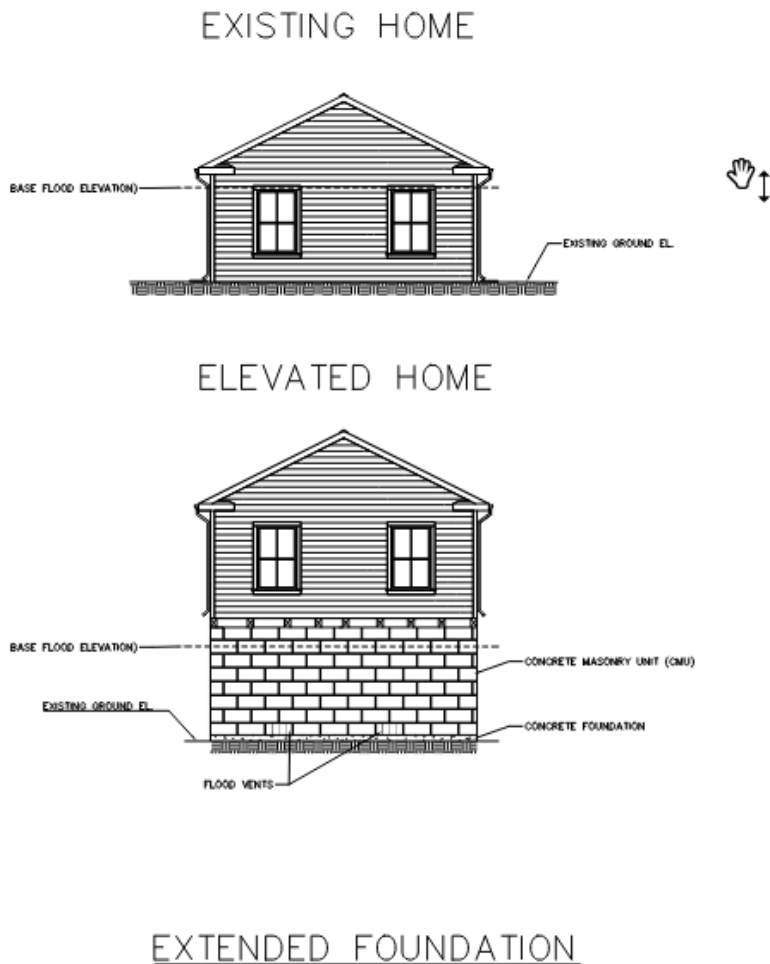


Figure 3. Home Elevation Concept Diagram – Extended Foundation



Figure 4. Before/After Home Elevation Renderings

Pile elevations methods may be the most economical and could be used if the property has enough room to slide the house off its foundation. Once a house is off the foundation, footers would be installed, and wood piles would be driven to elevate the house. Vibratory pile driving would be used to the maximum extent practicable. It is anticipated that most properties would not have enough room to use pile elevation. This method is not expected to be common.

Dry Floodproofing. Dry flood proofing maintains a structure at its current elevation but ensures that the building is impermeable to floodwaters. Large public, industrial or commercial facilities are too complex to elevate and will require dry flood proofing. This technique is also proposed to manage risk to critical infrastructure that has been identified for non-structural solutions.

Dry flood proofing (Figure 5) includes measures that make a structure watertight below the level that needs FRM to prevent floodwaters from entering. In this study, dry flood proofing included:

- Application of a permeable membrane (up to 3 feet above first floor elevation per NNC guidance) in the form of an epoxy paint/sealer.

- Installation of flood shields and stop logs installed in front of all openings that require ingress and egress. This includes access panels, doorways, garage openings, etc.
- Sealing of all pipe penetrations from the building exterior to ensure impermeability.
- Elevation of all external utilities susceptible to flood damage above design flood elevation.



Figure 5. Dry Flood Proofing Rendering at Island Park Fire Department

Wet Floodproofing. Wet flood proofing is another approach to retrofitting that involves modifying a structure to allow floodwaters to enter it in such a way that damage to the structure and its contents is minimized. Wet flood proofing is often used when all other mitigation techniques are technically infeasible or are too costly. Wet flood proofing is generally appropriate if a structure has available space where damageable items can be stored temporarily. Wet flood proofing may turn out to be more applicable for specific structures based on water surface elevations (possibly greater than 3 feet above ground surface) at such structures.

3.1.1 Pre-construction

Prior to construction detailed investigation of the eligibility of individual structures for non-structural measures would be conducted.

3.1.2 Construction

Nonstructural measures involve a construction effort similar to home renovations or reconstruction, whether it be from building retrofits such as elevation (including raising a structure on fill or foundation elements such as solid perimeter walls, pier, posts, columns, or pilings) or buyout/ relocations that are likely to involve demolition, grading, and soil stabilization/revegetation. The majority of the construction would occur within

the footprint of the existing structure or adjacent developed land such as roads and would most likely be in upland urbanized settings.

3.1.3 Operations and Maintenance

The non-federal sponsor will conduct periodic inspections at each elevated or floodproofed structure. Required repair or maintenance would be conducted on a structure-by-structure basis and would be negligible. It is anticipated that any required maintenance be similar to home or building renovation.

3.2 Nature-based Solutions

The NBS consist augmenting sediment supply to 7 strategic and degraded saltmarshes, while avoiding converting the marsh tidal regime/elevation (e.g., low marsh would not be converted to high marsh and high marsh would not be converted to upland) (see Figure 2). These 7 marsh complexes were identified as having clear potential CSRSM benefits, as well as several factors that support constructability within the near future. Additional information the formulation of NBS is provided in Appendix G of the EIS. Future without project conditions in the EIS illustrate significant marsh loss across the study area associated with sea level change and other sources of erosion (e.g., waves). CDFs and shoaling in maintained navigation channels represent a significant supply of leverageable sediment to nourish the strategic marsh complexes. Traditional navigation channel dredging and placement/spraying on the marsh will also be used.

3.2.1 Pre-construction

Prior to construction of NBS, investigations may include wetland delineations, subsurface geotechnical investigations, and HTRW sampling. Prior to placement at an NBS site, sediments within the project area will be tested for contaminants. If determined to be acceptable for beneficial use in accordance with New Jersey criteria would be placed in an NBS site. These investigations are currently being developed. USACE has previously characterized many of the CDFs proposed for sediment mining as suitable candidates by past Environmental Restoration studies along the NJIWW in the 2000s. Although additional sediment suitability characterization would be required going forward. If sediments in a CDF are not suitable for reuse in a habitat restoration project, they would not be used.

3.2.2 Construction

Construction of the NBS require significant amounts of fill material. Dredged material from DMPFs and navigation channels will be used for construction of the NBS. Construction methods will be further refined and optimized for each site. Vegetation in the CDFs, most likely Phragmites, would be treated prior to use, so the potential for spreading invasives is minimized. In general, the material will be fluidized in the CDF using water pumped from the nearby navigational channel. The dried sediments and water would be mixed with a longreach backhoe or eductor system. The slurry could be pumped from the CDF and piped over the marsh, using a high solids

pump (similar to a hydraulic dredge). A bobcat/marsh buggy may also be used in the CDF. Construction activities in the CDF may include clearing, grading, excavations, and backfilling.

Traditional navigation channel maintenance dredging and placement/spraying on the marsh will also be used.

Sediment would be piped or sprayed to depth of 2 to 4 inches over the marsh complex (i.e., an average cumulative rate of 800 cubic yards per acre). This would occur 2 to 3 times between 2030 and 2080 for most marsh complexes. A total of approximately 0.5 feet of material would be placed on most marsh complexes over the 50 years.

Monitoring would occur during construction. Two northern Barnegat Bay sites would require approximately 18 inches of material, which would be placed during 4 placements over the 50 years. Coir logs may be used to maintain sediments on the marsh platform.

The approach of placing an average of 2 – 4 inches per acre with each action allows for continued sediment supply augmentation of accretion rates, while leveraging the natural accretion by the targeted marshes. Placing through time avoids converting the tidal elevation regimes of the targeted marshes and thereby requiring additional mitigation for the implementation of the NBSs themselves for the conversion of upland. Sediment placements will be implemented in such a manner that benefits to sediment supply outweigh the temporary disruptions to the marsh environments.

Other construction activities may also include temporary excavations, and wetland/upland vegetation planting.

A complete discussion of the NBS strategy can be found in the Nature-Based Solutions Appendix G of the SDEIS.

3.2.3 Operation and Maintenance

There is no operation or maintenance associated with NBS. However, given that this plan is formulated based on periodic sediment placements (3 to 4 times), a monitoring and adaptive management plan is appropriate. Over a 50-year period, monitoring of marsh vegetative vigor, coverage, and elevations would be conducted every five to ten years to ensure that the marsh platform is functioning for CSRMs purposes.

Survey results from pre-construction, construction, and post-construction surveys will provide information about opportunities to apply adaptive management to future placements both here and at other estuarine saltmarshes with comparable hydrodynamic and morphologic conditions.

3.3 Measures to Avoid and Minimize Effects on Fish and Wildlife

3.3.1 Nature-Based Solutions

The following measures would be implemented during NBS construction, to avoid effects on fish and wildlife.

- Vessels would operate at speeds of less than 10 knots, whenever operating in areas where sea turtles or marine mammals may be present.

- Surrounding waters would be monitored during dredging or vessel operations. If sea turtles or marine mammals are observed, measures would be taken to avoid them.
- Construction of NBS would comply with the seasonal restrictions in Table 1, to the maximum extent practicable. If the bird seasonal restrictions cannot be implemented, USACE would:
 - contact USFWS;
 - conduct surveys for active migratory bird nests and use buffers around nests to avoid impacts;
 - work with USFWS to determine if the DPMFs or placement sites are used by roseate terns, red knots, or black rail and if monitoring is necessary.

Table 1. Seasonal Restrictions for NBS construction

Restricted Activity	Time of Year	Resource of Concern
DPMF mining and placement for NBS	March 15 – September 30	Migratory birds (MBTA)
DPMF mining and placement for NBS	May 1 – June 15; July 15 – November 1	Red knot
DPMF mining and placement for NBS	May 1 – September 30	Roseate tern
DPMF mining and placement for NBS	April 1 – September 15	Black rail
Dredging and placement for NBS in areas south of Absecon Inlet	March 1 -June 30	Peak fish migration
Dredging and placement for NBS in areas north of Absecon Inlet	January 1 – June 30	Winter flounder/peak fish migration

Black Rail

For unavoidable, temporary impacts to black rail habitat (i.e., marsh vegetation) occurring outside the restricted season, USACE would:

- Use wetland mats and the smallest and lightest equipment practicable to minimize impacts to the marsh substrate; and
- Provide USFWS with a monitoring and contingency plan to document recovery of the native marsh vegetation within 2 years.

Red Knot

USACE would implement the following BMPs to avoid impacts to red knot and their habitat:

- Avoid or minimize vegetation planting in rufa red knot habitat.
- Use only native, non-woody plant species, when planting is necessary.

- Use care to avoid accidental introductions of non-native plants (e.g., clean construction equipment off-site before use).
- Minimize and monitor disturbance of rufa red knots from other human activities.
- Avoid deliberate introductions of non-native marine species (e.g., avoid aquaculture of nonnative species).
- Use care to avoid accidental introductions of non-native marine species and marine diseases (e.g., avoid ballast water discharges near rufa red knot habitat).

3.3.2 Nonstructural Measures

The following are examples of measures that could be implemented during NBS construction, to the maximum extent practicable, to avoid effects on fish and wildlife.

- For residential elevations, vibratory pile installation would be used to the maximum extent practicable.
- Based on the seasonal restrictions in Table 2, impact pile driving would not occur adjacent to piping plover nesting beaches from March 1 through August 31.
- Based on the seasonal restrictions in Table 2, impact pile driving would not occur adjacent to marshes from March 15 through September 30.

Table 2. Seasonal Restrictions for nonstructural measures

Restricted Activity	Time of Year	Resource of Concern
Impact pile driving adjacent to piping plover nesting beaches	March 1 – August 31	Piping plover
Impact pile driving adjacent to beaches, inlets, river mouths, sand spits, and tidal flats	July 1 – September 30	Roseate terns
Impact pile driving adjacent to marshes	April 1 – September 30	Black rail
Removing trees re greater than or equal to 3 inches diameter at breast height (DBH); removal or modifications to bridges, culverts larger than 5 feet wide, and other structures	April 1 – September 30	Northern long-eared bat, tri-colored bat

Black Rail

USACE would implement the following BMPs to avoid impacts to eastern black rail and their habitat:

- If a seasonal restriction in Table 2 cannot be implemented, USACE would contact USFWS to determine if an assessment is necessary to determine if the habitat is suitable for eastern black rail. The results of the habitat assessment would be confirmed with the USFWS prior to construction.

- Use a soil erosion and sediment control plan and best practices to avoid indirect impacts to marsh habitat.

Northern Long-eared Bat and Tri-Colored Bat

USACE would implement the following BMPs to avoid impacts to northern long-eared bats, tri-colored bats, and their habitat:

- If removal of individual trees cannot be avoided during the time of year restriction in Table 2, USACE would coordinate with USFWS to determine if a survey is required.
- Minimize tree clearing, especially of highly suitable roost trees including snags (dead trees), shagbark hickories (*Carya ovata*), other trees with shaggy or exfoliating bark, and trees of any species over 26 inches DBH.
- Avoid impacts to known roosts during any time of year.
- Avoid or minimize impacts to known roosting/foraging areas any time of year.
- Permanently protect known roosting/foraging habitat.
- Maintain forested connections (e.g. hedgerows) between known foraging/roosting areas.
- Minimize forest fragmentation (i.e. consider the landscape when laying out a project).
- Avoid disturbance to riparian areas. Within areas of known fall foraging, summer maternity, and migration route habitats, preserve and restore wooded upland buffers at least 150-foot-wide on wetlands and open waters, and at least 300-foot-wide where possible and/or required by State regulation.
- Use bright flagging/fencing to demarcate trees that will be protected vs. cleared.
- Replant areas where trees have been disturbed for temporary activities or work space.
- Preferentially replant suitable roost tree species.
- Minimize access to areas of known roost sites to prevent disturbance.
- Minimize discharges of pesticides and other environmental contaminants in areas of known northern long-eared bat habitat. Avoid large-scale use of insecticides throughout the species' geographic range.
- Minimize potential lighting impacts (e.g. downward facing lights, shields, timers).

Red Knot

USACE would implement the following BMPs to avoid impacts to red knot and their habitat:

- Minimize and monitor disturbance of rufa red knots from other human activities.
- Avoid deliberate introductions of non-native marine species (e.g., avoid aquaculture of nonnative species). Use care to avoid accidental introductions of non-native marine species and marine diseases (e.g., avoid ballast water discharges near rufa red knot habitat).

Piping Plover

- The introduction or spread of dense or invasive vegetation at suitable piping plover habitat would be avoided. Construction equipment would be thoroughly cleaned, before used on a beach to avoid unintended spread of invasive plants.
- If the seasonal restrictions in Table 2 cannot be implemented for individual structures, USACE would coordinate with USFWS.

Roseate Tern

- If the seasonal restrictions in Table 2 cannot be implemented for individual structures, USACE would coordinate with USFWS to avoid disturbance.

3.3.3 General BMPs

The following BMPs would be implemented for all construction activities:

Black Rail

- If an eastern black rail is observed, it would be reported to:
 - The NJFO and the NJDEP Wildlife Tracker (located at: <https://dep.nj.gov/njfw/conservation/reportingrare-wildlife-sightings/>).
 - eBird via smartphone application or online at: <https://ebird.org/>. Identification tips are available from the Cornell Lab of Ornithology. Reports are most helpful when they include specific locations, as well as comments about the kinds of habitats the birds were using.

Northern Long-eared Bat, Tri-Colored Bats

- If a northern long-eared bat or tri-colored bat is observed, it would be reported to the USFWS NJFO and the NJDEP Wildlife Tracker (located at: <https://dep.nj.gov/njfw/conservation/reporting-rare-wildlife-sightings/>).

Red Knot

- If a red knot is observed, it would be reported to:
 - The NJDEP Wildlife Tracker (located at: <https://dep.nj.gov/njfw/conservation/reporting-rare-wildlifesightings/>).
 - eBird via smartphone application or online at: <https://ebird.org/>. Identification tips are available from the Cornell Lab of Ornithology. Reports are most helpful when they include specific locations, as well as comments about the kinds of habitats the birds were using.
 - If the red knot is banded it would be reported to bandedbirds.org.

Piping Plover

- While beach plantings are unlikely, USFWS would be contacted, prior to any beach plantings.
- If a piping plover is observed, it would be reported to:
 - The NJFO and the NJDEP Wildlife Tracker (located at: <https://dep.nj.gov/njfw/conservation/reportingrare-wildlife-sightings/>);

- <https://www.fws.gov/story/congratulations-spotting-banded-piping-plover-now-what>, if it has a color leg band.

Roseate Tern

- Observations of roseate terns would be reported to the following:
 - The NJDEP Wildlife Tracker (located at: <https://dep.nj.gov/njfw/conservation/reportingrare-wildlife-sightings/>).
 - eBird via smartphone application or online at: <https://ebird.org/>. Identification tips are available from the Cornell Lab of Ornithology. Reports are most helpful when they include specific locations, as well as comments about the kinds of habitats the birds were using.
 - United States Geological Survey Bird Banding Lab, if they are leg banded. Reports are most useful when they include a photo and the alphanumeric code on the colored band.

3.0 APPLICABILITY REVIEW AND STATEMENT

Table 3 provides a review of the applicable policies and a discussion/rationale for each policy that applies. Some policies do not apply, but they were identified for context. Based on this review, it was determined that the TSP plans that include nonstructural elevation of residential buildings and floodproofing of critical infrastructure buildings along with the nature-based solutions consisting of beneficial use of dredged material on 7 target vulnerable saltmarsh areas for the purpose of maintaining the marsh with Sea Level Change is consistent with New Jersey's enforceable policies under N.J.A.C. 7:7 and can be conducted in a manner consistent with those policies.

Table 3. Applicable Policies and Discussion of Consistency for the Tentatively Selected Plan for the New Jersey Back Bays Coastal Storm Risk Management Feasibility Study

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
Policy				
SUBCHAPTER 1. GENERAL PROVISIONS				
7:7-1.1 Purpose				
7:7-1.2 Scope				
7:7-1.3 Review, revision, and expiration				
7:7-1.4 Standards for evaluating permit applications				
7:7-1.5 Definitions				
7:7-1.6 Forms, checklists, information; Department address and website				
7:7-1.7 Liberal construction				
7:7-1.8 Severability				
SUBCHAPTER 2. APPLICABILITY AND ACTIVITIES FOR WHICH A PERMIT IS REQUIRED				
7:7-2.1 When a permit is required	NA	NA	The proposed NBS action as a Federal project is not subject to a CAFRA permit, but the action will be conducted in a manner consistent with CAFRA requirements.	
7:7-2.2 CAFRA	X		Proposed building elevations and floodproofing measures will occur within existing building foundation lines and will not be considered an "enlargement" in accordance with 7:7-2.2(b)10 and 7:7-2.2(c)4.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-2.3 Coastal wetlands		X	The NBS plan consists of placing dredged material from either an existing DMPF or dredging within the confines of the dimensions of an authorized navigation channel. Sediment would be placed at 7 low marsh saltmarsh locations vulnerable to habitat conversions due to the effects of sea level change. The placements will not change the tidal regime or convert the marsh into a higher marsh or upland. While the action won't eliminate all conversions in the future, it will allow for a more functional wetland within the affected area.	Yes
7:7-2.4 Waterfront development				
7:7-2.5 Obtaining an applicability determination				
SUBCHAPTER 3. GENERAL PROVISIONS FOR PERMITS-BY-RULE, GENERAL PERMITS-BY CERTIFICATION, AND GENERAL PERMITS				
7:7-3.1 Purpose and scope				
7:7-3.2 Standards for issuance, by rulemaking, of permits-by-rule, general permits-by-certification, and general permits				
7:7-3.3 Use of a permit-by-rule, or an authorization pursuant to a general permit-by-certification or a general permit to conduct regulated activities				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-3.4 Use of more than one permit on a single site				
7:7-3.5 Duration of an authorization under a general permit-by-certification				
7:7-3.6 Duration of an authorization under a general permit for which an application was declared complete for review prior to July 6, 2015				
7:7-3.7 Duration of an authorization under a general permit for which an application is deemed complete for review on or after July 6, 2015				
7:7-3.8 Conditions applicable to a permit-by-rule, or to an authorization pursuant to a general permit by certification or a general permit				
SUBCHAPTER 4. PERMITS-BY-RULE				
7:7-4.1 Permit-by-rule 1 - expansion of a single-family home or duplex	X		The residential elevations would not constitute an expansion of the structure.	Yes
7:7-4.2 Permit-by-rule 2 - development of a single-family home or duplex and/or accessory development on a bulkheaded lagoon lot				
7:7-4.3 Permit-by-rule 3 - placement of public safety or beach/dune ordinance signs on beaches or dunes and placement of signs on beaches or dunes at public parks				
7:7-4.4 Permit-by-rule 4 - construction of nonresidential docks, piers, boat ramps, and decks located landward of mean high water line				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-4.5 Permit-by-rule 5 - construction of portion of a recreational dock or pier located landward of mean high-water line				
7:7-4.6 Permit-by-rule 6 - reconstruction of a residential or commercial development within the same footprint	X		The residential elevations and floodproofing of critical infrastructure (including some commercial facilities) will not enlarge the existing footprints.	Yes
7:7-4.7 Permit-by-rule 7 – expansion or relocation (with or without expansion) landward or parallel to the mean high-water line of the footprint of a residential or commercial development				
7:7-4.8 Permit-by-rule 8 - construction of a utility line attached to a bridge or culvert				
7:7-4.9 Permit-by-rule 9 - previous filling of tidelands associated with an existing single-family home or duplex				
7:7-4.10 Permit-by-rule 10 - construction of portion of boat ramp located landward of the mean high-water line at a residential development				
7:7-4.11 Permit-by-rule 11 - construction and/or installation of a boat wash wastewater system at a marina, boatyard, or boat sales facility				
7:7-4.12 Permit-by-rule 12 - construction of one to three wind turbines less than 200 feet in height having a cumulative rotor swept area no greater than 2,000 square feet				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-4.13 Permit-by-rule 13 - installation of solar panels on a maintained lawn or landscaped area at a single-family home or duplex lot				
7:7-4.14 Permit-by-rule 14 – reconfiguration of any legally existing dock, wharf, or pier at a legally existing marina				
7:7-4.15 Permit-by-rule 15 - placement of sand fencing to create or sustain a dune				
7:7-4.16 Permit-by-rule 16 - placement of land-based upwellers and raceways for aquaculture activities				
7:7-4.17 Permit-by-rule 17 - placement of predator screens and oyster spat attraction devices within a shellfish lease area				
7:7-4.18 Permit-by-rule 18 - placement of shellfish cages within a shellfish lease area				
7:7-4.19 Permit-by-rule 19 - construction and/or installation of a pumpout facility and/or pumpout support facilities				
7:7-4.20 Permit-by-rule 20 – implementation of a sediment sampling plan for sampling in a water area as part of a dredging or dredged material management activity or as part of a remedial investigation of a contaminated site		X	NBS activities may require sediment sampling for pre-dredge/pre-placement. This would be conducted in a manner consistent with Permit by Rule 20. Pre-dredge sediment testing would be conducted in accordance with N.J.A.C. 7:7-12.6 and Appendix G.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-4.21 Permit-by-rule 21 – application of herbicide within coastal wetlands to control invasive plant species		X	Herbicide applications within DMPFs may be required to eliminate Phragmites prior to sediment removal for beneficial uses. Actions would be conducted consistent with permit by rule 21.	Yes
7:7-4.22 Permit-by-rule 22 - construction of a swimming pool, spa, or hot tub and associated decking on a bulkheaded lot without wetlands				
7:7-4.23 Permit-by-rule 23 – installation of an at-grade dune walkover at a residential, commercial, or public development other than a single-family home or duplex				
SUBCHAPTER 5. GENERAL PERMITS-BY-CERTIFICATION				
7:7-5.1 General permit-by-certification 10 – reconstruction of a legally existing functioning bulkhead in-place or upland of a legally existing functioning bulkhead				
7:7-5.2 General permit-by-certification 15 – construction of piers, docks, including jet ski ramps, pilings, and boatlifts in man-made lagoons				
7:7-5.3 General permit-by-certification 1A – installation of an elevated timber dune walkover at a residential, commercial, or public development other than a single-family home or duplex				
SUBCHAPTER 6. GENERAL PERMITS				
7:7-6.1 General permit 1 - amusement pier expansion				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-6.2 General permit 2 – activities on a beach and dune				
7:7-6.3 General permit 3 - voluntary reconstruction of certain residential or commercial development	X		Actions may involve residential building raising and floodproofing measures, but would not expand the footprint of the structures involved.	Yes
7:7-6.4 General permit 4 - development of one or two single-family homes or duplexes				
7:7-6.5 General permit 5 - expansion, or reconstruction (with or without expansion), of a single-family home or duplex	X		Actions may involve residential building raising and floodproofing measures, but would not expand the footprint of the structures involved.	Yes
7:7-6.6 General permit 6 - construction of a bulkhead and placement of associated fill on a man-made lagoon				
7:7-6.7 General permit 7 - construction of a revetment at a single-family home or duplex lot				
7:7-6.8 General permit 8 - construction of gabions at a single family/duplex lot				
7:7-6.9 General permit 9 - construction of support facilities at legally existing and operating marinas				
7:7-6.10 General permit 10 –reconstruction of a legally existing functioning bulkhead				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-6.11 General permit 11 – investigation, cleanup, removal, or remediation of hazardous substances				
7:7-6.12 General permit 12 – landfall of utilities				
7:7-6.13 General permit 13 – construction of recreational facilities at public parks				
7:7-6.14 General permit 14 – bulkhead construction and placement of associated fill at a single-family home or duplex lot				
7:7-6.15 General permit 15 – construction of piers, docks, including jet ski ramps, pilings, and boatlifts in man-made lagoons				
7:7-6.16 General permit 16 - minor maintenance dredging in man-made lagoons				
7:7-6.17 General permit 17 – stabilization of eroded shorelines		X	NBS sites may require the implementation of soft (sand, coir logs, etc.) or biogenic (shell) materials for shoreline stabilization purposes.	Yes
7:7-6.18 General permit 18 – avian nesting structures				
7:7-6.19 General permit 19 – modification of existing electrical substations				
7:7-6.20 General permit 20 –legalization of the filling of tidelands		X	The placement of sediment in saltmarsh habitats will not raise the elevations above MHW and will maintain these locations as tidelands	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			and will not change their tidal or existing wetland regime.	
7:7-6.21 General permit 21 –construction of telecommunication towers				
7:7-6.22 General permit 22 –construction of certain structures related to the tourism industry at hotels and motels, commercial developments, and multi-family residential developments over 75 units				
7:7-6.23 General permit 23 –geotechnical survey borings	X		Exploratory geotechnical borings would be required during design phase of project to characterize subsurface conditions in areas selected for residential elevation.	Yes
7:7-6.24 General permit 24 - habitat creation, restoration, enhancement, and living shoreline activities		X	NBS is intended to maintain vulnerable low marsh habitats from future conversions to unconsolidated shore/mudflat or open water due to sea level change. Preservation of these sites would also provide Coastal Storm Risk Management Benefits.	Yes
7:7-6.25 General permit 25 – construction of one to three wind turbines less than 200 feet in height and having a cumulative rotor swept area no greater than 4,000 square feet				
7:7-6.26 General permit 26 – construction of wind turbines less than 250 feet in height and having a cumulative rotor swept area no greater than 20,000 square feet				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-6.27 General permit 27 –dredging of sand from a man-made lagoon deposited as a result of a storm event for which the Governor declared a State of Emergency				
7:7-6.28 General permit 28 – dredging of material from a waterway at a residential or commercial which the Governor declared a State of Emergency development deposited as a result of the failure of a bulkhead as a consequence of a storm event for				
7:7-6.29 General permit 29 –dredging and management of material from a marina deposited as a result of a storm event for which the Governor declared a State of Emergency				
7:7-6.30 General permit 30 – commercial shellfish aquaculture activities				
7:7-6.31 General permit 31 – placement of shell within shellfish lease areas				
7:7-6.32 General permit 32 – application of herbicide within coastal wetlands to control invasive plant species		X	Herbicide applications within existing DMPFs may be required to eliminate Phragmites prior to sediment removal for beneficial uses.	Yes
SUBCHAPTER 7. LONG BRANCH REDEVELOPMENT ZONE PERMIT				
7:7-7.1 Applicability; permit conditions				
7:7-7.2 Notification to the Department regarding developments requiring planning board approval				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-7.3 Notification to the Department regarding developments not requiring planning board approval				
7:7-7.4 Publication of notice of Department's decision that Long Branch Redevelopment Zone Permit is or is not applicable to development				
7:7-7.5 Requests for adjudicatory hearings				
SUBCHAPTER 8. INDIVIDUAL PERMITS				
7:7-8.1 Requirement to obtain an individual permit				
7:7-8.2 Duration of an individual permit				
7:7-8.3 Conditions applicable to an individual permit				
SUBCHAPTER 9. SPECIAL AREAS				
7:7-9.1 Purpose and scope				
7:7-9.2 Shellfish habitat		X	All NBS marsh locations are in the vicinity of or adjacent to either active or historic shellfish habitat, aquaculture leases or exclusion areas. Direct fill placement on shellfish beds would be avoided and turbidity managed by directional placement on the marshes and installation of coir logs for sediment retention, if needed.	Yes
7:7-9.3 Surf clam areas				
7:7-9.4 Prime fishing areas				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-9.5 Finfish migratory pathways		X	In-water work for NBS construction activities would avoid peak fish migrations by implementing TOYRs from March 1 to June 30.	Yes
7:7-9.6 Submerged vegetation habitat		X	SAV beds occur adjacent to or in the vicinity of all of the NBS locations (6) in Little Egg Harbor and Barnegat Bay. No direct placements of sediments would occur on SAV beds. Sediment and turbidity would be minimized by directional Y valve placement and coir logs, if needed.	Yes
7:7-9.7 Navigation channels		X	Dredging within the dimensions of an existing authorized navigation channel is one of the methods anticipated to obtain sediment. No deepening or widening of the channel beyond its authorized dimensions would occur.	Yes
7:7-9.8 Canals				
7:7-9.9 Inlets				
7:7-9.10 Marina moorings				
7:7-9.11 Ports				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-9.12 Submerged infrastructure routes				
7:7-9.13 Shipwreck and artificial reef habitats				
7:7-9.14 Wet borrow pits				
7:7-9.15 Intertidal and subtidal shallows		X	The low lying intertidal and subtidal shallows within the target saltmarsh platform would receive some in-filling of sediment. This is not expected to eliminate existing tidal guts, but some in-filling of mosquito ditches and OMWM ponds could occur.	Yes
7:7-9.16 Dunes				
7:7-9.17 Overwash areas				
7:7-9.18 Coastal high hazard areas	X	X	A review of FEMA flood mapping did not identify any of the affected properties or NBS locations to be within VE zones. Many of the properties/sites are within zones designated "AE" (1% flooding), for which the project is intended to provide benefits.	Yes
7:7-9.19 Erosion hazard areas				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-9.20 Barrier island corridor	X		Non structural residential elevation and floodproofing of critical infrastructure occur within barrier island corridors, but are not considered extensions of development.	Yes
7:7-9.21 Bay islands		X	East Marsh Elder Island and Parker Island in Little Egg Harbor are NBS locations. The NBS plan is to maintain low saltmarsh habitat in areas vulnerable to conversion due to sea level change. This plan is consistent with this policy. The mining of existing DMPFs on islands for sediment would increase the capacity of these sites.	Yes
7:7-9.22 Beaches				
7:7-9.23 Filled water's edge	X		Non-structural measures have components that either would be constructed along, cross through, or are adjacent to a filled water's edge, but are not considered new development.	Yes
7:7-9.24 Existing lagoon edges	X		Non-structural measures have components that either would be constructed along, cross through, or are adjacent to a lagoon edge, but are not considered new development.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-9.25 Flood hazard areas	X	X	Project is for the purpose of CSR and all features contain components within flood hazard areas. Implementation would have beneficial effects on flood hazard areas.	Yes
7:7-9.26 Riparian zones				
7:7-9.27 Wetlands		X	The NBS measures would have temporary adverse impacts on the vegetation within the target low marsh areas as sediment would be distributed within the marsh. Based on TOYRs, the work would occur mostly outside of the growing season. The long term benefit would be the maintenance of vulnerable saltmarsh habitats to reduce their conversions to unconsolidated shore and open water due to sea level change.	Yes
7:7-9.28 Wetlands buffers	X	X	All activities are likely to be within wetlands buffers locations since they are water-dependent	Yes
7:7-9.29 Coastal bluffs				
7:7-9.30 Intermittent stream corridors				
7:7-9.31 Farmland conservation areas				
7:7-9.32 Steep slopes				
7:7-9.33 Dry borrow pits				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-9.34 Historic and archaeological resources	X	X	Historic and archaeological features are potentially affected by all non-structural and NBS TSP features. Subsequent site-specific investigations will be conducted in accordance with a pending Programmatic Agreement w/NJSHPO.	Yes
7:7-9.35 Specimen trees				
7:7-9.36 Endangered or threatened wildlife or plant species habitats	X	X	The affected NBS areas are within the range of several Federal and State listed species and may contain these species on site. A discussion of Federal/State T&E species is provided in the SDEIS and Appendix F.3. Non structural are not expected to have direct impacts on T&E species, but construction noise near sensitive habitats are possible. Adverse impacts can be avoided by implementing TOYRs.	Yes
7:7-9.37 Critical wildlife habitat		X	The NBS plan will primarily affect low saltmarsh habitat, which is essential in supporting a large number of special status species. This work would have short term localized impacts but would have long-term benefits by making the saltmarsh habitat more adaptable to sea level change. The adverse impacts can be avoided or minimized by implementing TOYRs for construction. The use of DMPFs as one of the sediment sources would	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			be weighed as to their habitat value at the time of use.	
7:7-9.38 Public open space	X	X	Non structural measures would occur near public open spaces, but their temporary construction or permanent effects will not adversely affect the use or diminish public open spaces nearby. The NBS sites are all on public open spaces such as a NWR, WMA, and Preserve. The construction activities would be periodic (every 10 to 15 years) and would make these areas inaccessible to the public for a few weeks during these periods. Public access to these sites would be restored upon cessation of the construction activities.	Yes
7:7-9.39 Special hazard areas				
7:7-9.40 Excluded Federal lands				
7:7-9.41 Special urban areas				
7:7-9.42 Pinelands National Reserve and Pinelands Protection Area	X	X	Approximately 1,200 residential properties eligible for elevations and 9 critical infrastructure properties occur within the Federal National Reserve (about 1,060 of these properties occur within the Regional Growth and Town Areas), and 11 residential properties occur within the State "Preservation" Area. 3 of the	Yes

<p>N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES</p> <p>Date last amended: October 5, 2021</p>	<p>Non-Structural Plan</p> <p>- 6,421 Residential Elevations</p> <p>-279 Critical Infrastructure Floodproofing</p>	<p>Nature Based Solutions (7 locations)</p>	<p>DISCUSSION</p>	<p>Are the measures compliant with NJAC 7:7 policy?</p>
			<p>NBS structures occur within the Federal National Reserve. Because the Non structural measures do not expand the footprint of existing structures and don't encroach on any sensitive resources, they are compatible with the land uses for both National Reserve and the State Pinelands Area. Any structures that are listed or eligible for the National Historic Register will comply with the PA. The NBS sites would retain their resource values within the National Reserve and would not detract from their natural and cultural values. Both plans are not expected to have significant adverse effects on surface water or ground water quality with implementation of BMPs at the time of construction.</p>	
<p>7:7-9.43 Meadowlands District</p>				
<p>7:7-9.44 Wild and scenic river corridors</p>		<p>X</p>	<p>Approximately, 60 residential properties (elevation) and 5 critical infrastructure properties (floodproofing) occur within the Great Egg Harbor WSR corridor. It is not known if or how many properties are eligible or listed on the National Register of Historic Places, within this corridor. Properties would be evaluated to determine if they are eligible for elevation or floodproofing based on their historic status and compatibility with the historic</p>	<p>Yes</p>

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			character. Adherence to the PA would ensure compliance. USACE will consult with the National Park Service and the Great Egg Harbor River Council to ensure compliance.	
7:7-9.45 Geodetic control reference marks				
7:7-9.46 Hudson River waterfront area				
7:7-9.47 Atlantic City	X		Approximately 160 residential properties and 50 critical infrastructure properties occur within Atlantic City eligible for elevation or floodproofing. The non structural measures will not expand the structures and are compatible with this policy.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-9.48 Lands and waters subject to public trust rights	X	X	For both non structural plans and the NBS plans, properties adjacent to any waterways may impose temporary restrictions to waterway access during construction. Once construction is complete, full access will be restored in accordance with state and local laws and regulations.	Yes
7:7-9.49 Dredged material management areas		X	Dredged material management areas are potential sources of sediment for the NBS target marsh plans. Material used from these sites would require testing for contaminants and deemed appropriate for beneficial uses in saltmarshes. Prior to any utilization, NJDEP Div. Fish and Wildlife and U.S. Fish and Wildlife Service would be consulted to minimize any disturbance to colonial nesting bird locations and rookeries.	Yes
SUBCHAPTER 10. STANDARDS FOR BEACH AND DUNE ACTIVITIES				
7:7-10.1 Purpose and scope				
7:7-10.2 Standards applicable to routine beach maintenance				
7:7-10.3 Standards applicable to emergency post-storm beach restoration				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-10.4 Standards applicable to dune creation and maintenance				
7:7-10.5 Standards applicable to the construction of boardwalks				
SUBCHAPTER 11. STANDARDS FOR CONDUCTING AND REPORTING THE RESULTS OF AN ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITAT IMPACT ASSESSMENT AND/OR ENDANGERED OR THREATENED WILDLIFE SPECIES HABITAT EVALUATION			The affected area is within the range of several Federally and State listed threatened and endangered species. Surveys and monitoring would be conducted in accordance with consultation with U.S. Fish and Wildlife Service and coordination with NJ DEP Division of Fish and Wildlife and/or Office of Natural Lands Management.	
7:7-11.1 Purpose and scope				
7:7-11.2 Standards for conducting endangered or threatened wildlife or plant species habitat impact assessment	X	X		Yes
7:7-11.3 Standards for conducting endangered or threatened wildlife species habitat evaluation	X	X		Yes
7:7-11.4 Standards for reporting the results of impact assessments and habitat evaluations	X	X		Yes
SUBCHAPTER 12. GENERAL WATER AREAS				
7:7-12.1 Purpose and scope				
7:7-12.2 Shellfish aquaculture				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-12.3 Boat ramps				
7:7-12.4 Docks and piers for cargo and commercial fisheries				
7:7-12.5 Recreational docks and piers				
7:7-12.6 Maintenance dredging		X	The NBS plans for the 7 targeted marshes will require sediment sources. Existing navigation channels are considered a viable source provided that any dredging for these materials is compatible and within the authorized dimensions of the channels to avoid external disturbance. It is anticipated that these channels could be used as either "borrow" material for sediments or in conjunction with a maintenance dredging project. The sediments for placement will be tested for contaminants in accordance with NJDEP "Dredging Activities and Dredged Material" manual (NJDEP, 1997).	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-12.7 New dredging				
7:7-12.8 Environmental dredging				
7:7-12.9 Dredged material disposal		X	The NBS sites are intended to receive beneficial use of dredged material obtained from either within existing DMPFs or dredging within the dimensions of existing navigation channels. Prior to placement, the sediments would be tested for contaminants. The sediments for placement will be tested for contaminants in accordance with NJDEP "Dredging Activities and Dredged Material" manual (NJDEP, 1997) and the results would be reviewed and sediments would require approval by NJDEP for beneficial use.	Yes
7:7-12.10 Solid waste or sludge dumping				
7:7-12.11 Filling		X	The NBS locations will require periodic filling of 2-4 inches of sandy/silty sediment at a time about 3 times over a 50 year period. This estimate is changeable based on future refinements in sea level change projections to ensure that the fill thickness are commensurate with	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			prevailing sea level change rates and not changing the marsh regime.	
7:7-12.12 Mooring				
7:7-12.13 Sand and gravel mining		X	Sediment mining from DMPFs would occur to obtain sand/silts for beneficial placements in targeted salt marshes. Disturbance within these sites would involve excavations and fluidization of sediments to be pumped via pipeline to the placement site. Material to be removed would only be in-situ dredged material, and no excavations or removal of material below original ground surface elevations would occur.	Yes
7:7-12.14 Bridges				
7:7-12.15 Submerged pipelines				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-12.16 Overhead transmission lines				
7:7-12.17 Dams and impoundments				
7:7-12.18 Outfalls and intakes				
7:7-12.19 Realignment of water areas				
7:7-12.20 Vertical wake or wave attenuation structures				
7:7-12.21 Submerged cables				
7:7-12.22 Artificial reefs				
7:7-12.23 Living shorelines				
7:7-12.24 Miscellaneous uses				

<p>N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES</p> <p>Date last amended: October 5, 2021</p>	<p>Non-Structural Plan</p> <p>- 6,421 Residential Elevations</p> <p>-279 Critical Infrastructure Floodproofing</p>	<p>Nature Based Solutions (7 locations)</p>	<p>DISCUSSION</p>	<p>Are the measures compliant with NJAC 7:7 policy?</p>
<p>SUBCHAPTER 13. REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS</p>				
<p>7:7-13.1 Purpose and scope</p>				
<p>7:7-13.2 Definitions</p>				
<p>7:7-13.3 Impervious cover requirements that apply to sites in the upland waterfront development and CAFRA areas</p>	<p>X</p>		<p>The non structural plans for residential building elevations and floodproofing of critical infrastructure would be confined to the existing structure's footprint and would not increase impervious surfaces.</p>	<p>Yes</p>
<p>7:7-13.4 Vegetative cover requirements that apply to sites in the upland waterfront development and CAFRA areas</p>	<p>X</p>		<p>The non structural plans for residential building elevations and floodproofing of critical infrastructure may require clearing to access structures. The landscape would be restored to the maximum extent practicable.</p>	<p>Yes</p>
<p>7:7-13.5 Determining if a site is forested or unforested</p>				
<p>7:7-13.6 Upland waterfront development area regions and growth ratings</p>				
<p>7:7-13.7 Determining the environmental sensitivity of a site in the upland waterfront development area</p>				
<p>7:7-13.8 Determining the development potential of a site in the upland waterfront development area</p>				
<p>7:7-13.9 Determining the development potential for a residential or minor commercial development site in the upland waterfront development area</p>				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-13.10 Determining the development potential for a major commercial or industrial development site in the upland waterfront development area				
7:7-13.11 Determining the development potential for a campground development site in the upland waterfront development area				
7:7-13.12 Determining the development intensity of a site in the upland waterfront development area				
7:7-13.13 Impervious cover limits for a site in the upland waterfront development area	X		The non structural plans for residential building elevations and floodproofing of critical infrastructure would be confined to the existing structure's footprint and would not increase impervious surfaces.	Yes
7:7-13.14 Vegetative cover percentages for a site in the upland waterfront development area	X		The non structural plans for residential building elevations and floodproofing of critical infrastructure may require clearing to access structures. The landscape would be restored to the maximum extent practicable.	Yes
7:7-13.15 Coastal Planning Areas in the CAFRA area	X		The non structural plans for residential building elevations and floodproofing of critical infrastructure will only affect existing structures and their uses. Prevailing land uses will not be changed from this action.	Yes
7:7-13.16 Boundaries for Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes; non-mainland coastal centers				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-13.17 Impervious cover limits for a site in the CAFRA area	X		The non structural plans for residential building elevations and floodproofing of critical infrastructure would be confined to the existing structure's footprint and would not increase impervious surfaces.	Yes
7:7-13.18 Vegetative cover percentages for a site in the CAFRA area	X		The non structural plans for residential building elevations and floodproofing of critical infrastructure may require clearing to access structures. The landscape would be restored to the maximum extent practicable.	Yes
7:7-13.19 Mainland coastal centers				
SUBCHAPTER 14. GENERAL LOCATION RULES				
7:7-14.1 Rule on location of linear development				
7:7-14.2 Basic location rule				
7:7-14.3 Secondary impacts	X	X	The non structural residential elevations and critical infrastructure floodproofing would occur in existing developed areas. Modifications to these structures will not induce or favor further future development. The NBS sites provide some coastal storm risk management benefits by maintaining wave reduction properties of existing saltmarshes compared to a future condition of saltmarsh conversions to primarily unconsolidated shore or open water. This effect is not expected to induce any secondary development.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
SUBCHAPTER 15. USE RULES				
7:7-15.1 Purpose and scope				
7:7-15.2 Housing	X		Residential home elevations will not expand from existing structural and impervious footprints.	Yes
7:7-15.3 Resort/recreational				
7:7-15.4 Energy facility	X		Any critical infrastructure facilities eligible for floodproofing would not be expanded and would remain within its existing structural footprint.	Yes
7:7-15.5 Transportation	X		Any critical infrastructure facilities eligible for floodproofing would not be expanded and would remain within its existing structural footprint.	Yes
7:7-15.6 Public facility	X		Any critical infrastructure facilities eligible for floodproofing would not be expanded and would remain within its existing structural footprint.	Yes
7:7-15.7 Industry				
7:7-15.8 Mining				
7:7-15.9 Port				
7:7-15.10 Commercial facility	X		Some critical infrastructure are commercial such as pharmacies. Any critical infrastructure facilities eligible for floodproofing would not be expanded and would remain within its existing structural footprint.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-15.11 Coastal engineering	X	X	The proposed action will provide Coastal Storm Risk Management for the communities within the New Jersey Back Bays systems by incorporating non-structural and nature based solutions into the plan.	Yes
7:7-15.12 Dredged material placement on land		NA	No fill placement for the beneficial use of dredged material would occur landward of the Mean High Water Line.	Yes
7:7-15.13 National defense facilities				
7:7-15.14 High-rise structures				
SUBCHAPTER 16. RESOURCE RULES				
7:7-16.1 Purpose and Scope				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-16.2 Marine fish and fisheries		X	Effects are expected to be short term and minor on fisheries in the vicinity of any dredging in the navigation channel and sediment placement on the marsh platform. Maintaining saltmarsh habitat would provide long term benefits to fisheries by maintaining nursery habitat for larval and juvenile finfish.	Yes
7:7-16.3 Water quality	X	X	For non structural measures, temporary earth disturbances related to heavy equipment and obtaining access to the structures may be required. Sediment and Erosion Control BMPs would be implemented to minimize the effects of sedimentation and runoff. For NBS, in-water work such as dredging and placement of sediments on the marsh platform will result in temporary localized increases in turbidity. Testing for contaminants would occur prior to undertaking these activities in accordance with	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			the NJ ..."Dredging Activities and Dredged Material..." manual (NJDEP, 1997). Results would be submitted and reviewed by NJDEP and approved for final Section 401 Water Quality Certification.	
7:7-16.4 Surface water use				
7:7-16.5 Groundwater use				
7:7-16.6 Stormwater management				
7:7-16.7 Vegetation	X	X	Areas that require the re-establishment of vegetation after construction activities area completed would utilize native coastal vegetation wherever appropriate. Maintenance of	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-16.8 Air quality	X	X	All construction activities will result in temporary and localized effects on air quality through emissions associated with diesel powered equipment. An emissions estimate was provided in Appendix F8. It was determined that the combination of both non structural plans and the nature based solutions plan would not exceed the de minimis thresholds for NOx in any one year of construction for two non attainment areas affected by these activities (Philadelphia, Wilmington, Atlantic City Area – Cape May Co., Atlantic Co., Burlington Co. and Ocean Co.) and (New York-N. New Jersey-Long Island Area – Monmouth Co.).	Yes
7:7-16.9 Public access		X	For both non structural plans and the NBS plans, properties adjacent to any waterways may impose temporary restrictions to waterway access during construction. Once construction is complete, full access will be restored in accordance with state and local laws and regulations.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-16.10 Scenic resources and design	X	X	The elevation of residential buildings will have a permanent adverse impact on visual resources because these structures would be approximately 10 feet higher than prior. Some locations may have views blocked such as bay and marsh landscapes due to this action. Many locations have already undergone elevations or new structures constructed at higher elevations to remove the first floor from the floodplain and the proposed elevations are consistent with this approach. The NBS plan will not have any permanent adverse effects on visual resources.	Yes
7:7-16.11 Buffers and compatibility of uses	X	X	The non structural plans will not expand into or encroach on natural buffer areas. Any vegetative disturbance for access would be restored to the maximum extent practicable. The NBS plan will not have any adverse effects on natural buffers.	Yes
7:7-16.12 Traffic	X		For the non structural plans, localized impacts on traffic are possible with the delivery of construction equipment and materials, staging, and parking for workers along with access to the sites. This is locally short-term and any disturbance to traffic will be coordinated with local official.	Yes

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			No significant effects on traffic are anticipated as this work is primarily water-based.	
7:7-16.13 Subsurface sewage disposal systems				
7:7-16.14 Solid and hazardous waste				
SUBCHAPTER 17. MITIGATION				
7:7-17.1 Definitions				
7:7-17.2 General mitigation requirements	NA	NA	For the non structural plans, there will be no fill placement into waters or wetlands or losses of aquatic, wetland, and terrestrial upland habitats. Minor effects on vegetation and landscaping at developed properties are anticipated, but these areas would be repaired to the maximum extent practicable after construction. The NBS plan will place fill and disturb aquatic and wetland resources. This is temporary and the long-term is maintenance of the existing saltmarsh habitats vulnerable to conversion from Sea Level Change. This plan would preserve saltmarsh habitat over the long-term. Therefore, no	NA

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
			compensatory mitigation is required for both plans.	
7:7-17.3 Timing of mitigation				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-17.4 Amount of mitigation required	 	 	 	
7:7-17.5 Property suitable for mitigation	 	 	 	

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-17.6 Conceptual review of a mitigation area				
7:7-17.7 Basic requirements for mitigation proposals				
7:7-17.8 Department review and approval of a mitigation proposal				
7:7-17.9 Requirements for shellfish habitat mitigation				
7:7-17.10 Requirements for submerged vegetation habitat mitigation				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-17.11 Requirements for intertidal and subtidal shallows and tidal water mitigation				
7:7-17.12 Requirements for riparian zone mitigation				
7:7-17.13 Requirements for wetlands mitigation				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-17.14 Wetlands mitigation hierarchy				
7:7-17.15 Requirements for credit purchase from an approved mitigation bank				
7:7-17.16 Requirements for in-lieu fee payment				
7:7-17.17 Financial assurance for mitigation projects; general provisions				
7:7-17.18 Financial assurance; fully funded trust fund requirements				
7:7-17.19 Financial assurance; line of credit requirements				
7:7-17.20 Financial assurance; letter of credit requirements				
7:7-17.21 Financial assurance; surety bond requirements				
7:7-17.22 Mitigation banks				
7:7-17.23 Application for a mitigation bank				
SUBCHAPTER 18. CONSERVATION RESTRICTIONS				
7:7-18.1 Conservation restriction form and recording requirements				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-18.2 Additional requirements applicable to a conservation restriction for mitigation areas				
7:7-18.3 Reservation of rights				
SUBCHAPTER 19. RELAXATION OF PROCEDURES; RECONSIDERATION OF APPLICATION OF RULES				
7:7-19.1 Relaxation of procedures in this chapter				
7:7-19.2 Reconsideration of the application of a rule(s) in this chapter				
SUBCHAPTER 20. PROVISIONAL PERMITS				
7:7-20.1 Provisional permits				
SUBCHAPTER 21. EMERGENCY AUTHORIZATIONS				
7:7-21.1 Standard for issuance of an emergency authorization				
7:7-21.2 Procedure to request an emergency authorization				
7:7-21.3 Issuance of emergency authorization; conditions				
SUBCHAPTER 22. PRE-APPLICATION CONFERENCES				
7:7-22.1 Purpose and scope				
7:7-22.2 Request for a pre-application conference; scheduling; information required				
SUBCHAPTER 23. APPLICATION REQUIREMENTS				
7:7-23.1 Purpose and scope				
7:7-23.2 General application requirements				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-23.3 Additional application requirements for an authorization under a general permit-by certification				
7:7-23.4 Additional application requirements for an authorization under a general permit or for an individual permit				
7:7-23.5 Compliance statement requirement for an application for authorization under a general permit				
7:7-23.6 Additional requirements specific to an application for an individual permit				
SUBCHAPTER 24. REQUIREMENTS FOR AN APPLICANT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION				
7:7-24.1 Purpose and scope				
7:7-24.2 Timing of public notice of an application				
7:7-24.3 Contents and recipients of public notice of an application				
7:7-24.4 Additional requirements for public notice of an application for a CAFRA individual permit				
7:7-24.5 Content and format of newspaper notice				
7:7-24.6 Documenting public notice of an application; documenting public notice of public comment period or public hearing on CAFRA individual permit application				
SUBCHAPTER 25. APPLICATION FEES				
7:7-25.1 Application fees				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-25.2 Adjustment of application fees				
SUBCHAPTER 26. APPLICATION REVIEW				
7:7-26.1 General application review provisions				
7:7-26.2 Applications for all coastal general permit authorizations and applications for waterfront development and coastal wetlands individual permits – completeness review				
7:7-26.3 CAFRA individual permit application – initial completeness review				
7:7-26.5 CAFRA individual permit application – public hearing				
7:7-26.6 Department decision on an application that is complete for review				
7:7-26.7 Cancellation of an application				
7:7-26.8 Withdrawal of an application				
7:7-26.9 Re-submittal of an application after denial, cancellation, or withdrawal				
7:7-26.10 Fee refund or credit when an application is returned, withdrawn, or cancelled				
SUBCHAPTER 27. PERMIT CONDITIONS; MODIFICATION, TRANSFER, SUSPENSION, AND TERMINATION OF AUTHORIZATIONS AND PERMITS				
7:7-27.1 Purpose and scope				
7:7-27.2 Conditions that apply to all coastal permits				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-27.3 Extension of an authorization under a general permit or of a waterfront development individual permit for activities waterward of the mean high water line				
7:7-27.4 Transfer of an emergency authorization, an authorization under a general permit or an individual permit				
7:7-27.5 Modification of an authorization under a general permit or an individual permit				
7:7-27.6 Application for a modification				
7:7-27.7 Suspension of an authorization under a general permit, an individual permit, or an emergency authorization				
7:7-27.8 Termination of an authorization under a general permit, an individual permit, or an emergency authorization				
SUBCHAPTER 28. REQUESTS FOR ADJUDICATORY HEARINGS				
7:7-28.1 Procedure to request an adjudicatory hearing; decision on the request				
7:7-28.2 Procedure to request dispute resolution				
7:7-28.3 Effect of request for hearing on operation of permit or authorization				
7:7-28.4 Notice of certain settlement discussions on a coastal permit decision; notice of settlement agreement				
SUBCHAPTER 29. ENFORCEMENT				

N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES Date last amended: October 5, 2021	Non-Structural Plan - 6,421 Residential Elevations -279 Critical Infrastructure Floodproofing	Nature Based Solutions (7 locations)	DISCUSSION	Are the measures compliant with NJAC 7:7 policy?
7:7-29.1 General provisions				
7:7-29.2 Issuance of an administrative order				
7:7-29.3 Assessment, settlement, and payment of a civil administrative penalty				
7:7-29.4 Procedures to request and conduct an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment				
7:7-29.5 Civil administrative penalties for failure to obtain a permit prior to conducting regulated activities				
7:7-29.6 Civil administrative penalties for violations other than failure to obtain a permit prior to conducting regulated activities				
7:7-29.7 Civil penalties				
7:7-29.8 Civil actions				
7:7-29.9 Criminal action				
7:7-29.10 Grace period applicability; procedures				
X-Feature has applicability and/or an effect on coastal resource policy				

<p>N.J.A.C. 7:7 COASTAL ZONE MANAGEMENT RULES</p> <p>Date last amended: October 5, 2021</p>	<p>Non-Structural Plan</p> <p>- 6,421 Residential Elevations</p> <p>-279 Critical Infrastructure Floodproofing</p>	<p>Nature Based Solutions (7 locations)</p>	<p>DISCUSSION</p>	<p>Are the measures compliant with NJAC 7:7 policy?</p>
<p>NA-Feature affects area in coastal policy/permit, but is not required for a Federal project. Design and implementation of features/components would be conducted in a manner consistent with permit/policy.</p>				