

APPENDIX G

New Jersey Coastal Zone Act Consistency Statement

COASTAL ZONE ACT CONSISTENCY STATEMENT

ATLANTIC COAST OF NEW JERSEY, SANDY HOOK TO BARNEGAT INLET BEACH EROSION CONTROL PROJECT SECTION I SEA BRIGHT TO OCEAN TOWNSHIP, NEW JERSEY: ELBERON TO LOCH ARBOUR REACH

**Monmouth County, New Jersey
Prepared December 2013**

I Introduction

The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. §§1451-1464) was enacted by Congress in an effort to balance the often competing demands of growth and development with the protection of coastal resources. Its stated purpose is to "...preserve, protect, develop, where possible, to restore or enhance, the resources of the nation's coastal zone...". The Act established the framework for achieving this balance by encouraging the states to develop coastal zone management programs, consistent with minimum federal standards, designed to regulate land use activities that could impact coastal resources. The Coastal Zone Act Reauthorization Act Amendments of 1990 further strengthened the act by requiring the state programs to focus more on controlling land use activities and the cumulative effects of activities within designated coastal zones.

The State of New Jersey administers its federally approved coastal zone program through the Department of Environmental Protection, Land Use Regulation Program (LURP). Pursuant to the federal CZMA, New Jersey has defined its coastal zone boundaries and developed policies to be utilized to evaluate projects within the designated coastal zone, as set forth in New Jersey's Rules on Coastal Zone Management (CZM) (N.J.A.C. 7:7, 7:7E, dated July 18, 1994 and addendum to 7:7E-5 and 7:7E-8.7, dated August 19, 1996). The Waterfront Development Law (N.J.S.A. 12:5-3) and related requirements (N.J.A.C. 7:7-23) provide the authority for issuance of permits for, among other activities, the placement or construction of structures, pilings, or other obstructions in any tidal waterway. New Jersey's Rules on Coastal Zone Management are employed by the State's Land Use Regulation Program in the review of permit applications and coastal decision-making; they address issues of location, use, and resources. New Jersey's rules provide for a balance between economic development and coastal resource protection, recognizing that coastal management involves explicit consideration of a broad range of concerns, in contrast to other resource management programs that have a more limited scope of concern.

The Elberon to Loch Arbour project site is located within the coastal zone of New Jersey. The following assessment identifies the coastal zone management policies relevant to the proposed shore protection project.

II Subchapter 3 – Special Areas

7:7E-3.2 SHELLFISH HABITAT

This policy generally limits disturbance of shellfish habitat. The selected project plan will affect 311 acres of the NJDEP permitted Sea bright borrow area which has been used as a sand source 20 years. Shellfish disturbance is not anticipated. The project is consistent with this policy.

7:7E-3.3 SURF CLAM AREAS

This policy prohibits development that would destroy or contaminate surf clam areas. Actions of the selected plan will not occur in or affect a surf clam area therefore, this policy is not applicable.

7:7E-3.4 PRIME FISHING AREAS

This policy prohibits sand or gravel mining in prime fishing areas. The selected plan will use sand from the Sea Bright Offshore Borrow Area which has previously received Federal Consistency for the Section I, Sea Bright to Ocean Township, Beach Erosion Control Project. The Sea Bright borrow area has been used as a sand source since 1989 and is not a prime fishing area. Therefore the project is consistent with this policy.

7:7E-3.5 FINFISH MIGRATORY PATHWAYS

This policy prohibits development such as dams or dikes which would create physical barriers to migratory fish. Development which would lower water quality so as to interfere with fish movement is also prohibited. While the project area is not a designated finfish migratory pathway, it is used by migratory fish. The proposed project will not significantly impact water quality and it will not occur in a situation that would cause a bottleneck or barrier. Migratory fish may need to move away from any activity at the borrow area but a detour such as this will not significantly deter them from their destination. The project is consistent with this policy.

7:7E-3.6 SUBMERGED VEGETATION HABITAT

This policy prohibits or restricts permanent significant impacts to submerged vegetation habitats unless compensation/mitigation efforts are enacted. The selected plan will not have any significant impact on submerged vegetation; therefore, this policy is not applicable.

7:7E-3.7 NAVIGATION CHANNELS

This policy prohibits construction that would extend into a navigation channel that would result in the loss of navigability. Project actions will not impact any navigations channels; therefore, this policy is not applicable.

7:7E-3.8 CANALS

This policy prohibits actions that would interfere with boat traffic in canals used for navigation. The selected plan does not contain a canal as defined by the New Jersey State Department of Environmental Protection; therefore, this policy is not applicable.

7:7E-3.9 INLETS

This policy prohibits filling and discourages submerged infrastructure in coastal inlets. The selected plan is not located in an inlet as defined by the NJDEP; therefore, this policy is not applicable.

7:7E-3.10 MARINA MOORINGS

This policy prohibits non-water dependent development in marina mooring areas. Construction of the selected plan would not involve development in any marina mooring areas nor is the selected plan non-water dependent; therefore, this policy is not applicable.

7:7E-3.11 PORTS

This policy prohibits actions that would interfere with port uses. The project is not located in a significant shipping port; therefore, the selected plan would not interfere with port uses.

7:7E-3.12 SUBMERGED INFRASTRUCTURE ROUTES

This policy prohibits any activity that would increase the likelihood of submerged infrastructure damage, or interfere with maintenance operations. The project will repair/extend multiple outfall or intake pipes along the project beach. Activities will not negatively impact submerged infrastructure, therefore the project is consistent with this policy.

7:7E-3.13 SHIPWRECKS AND ARTIFICIAL REEFS

This policy restricts the use of special areas with shipwrecks and artificial reefs that would adversely affect the usefulness of the area as a fisheries resource. The selected plan does not contain any artificial reefs and the borrow area has been surveyed. Potentially significant wrecks will be avoided by employing a buffer zone around the shipwrecks. The project is consistent with this policy.

7:7E-3.14 WET BORROW PITS

This policy restricts the use and filling of wet borrow pits. The selected plan does not contain any known wet borrow pits; therefore, this policy is not applicable.

7:7E-3.15 INTERTIDAL AND SUBTIDAL SHALLOWS

This policy discourages disturbance of shallow water areas (i.e., permanently or twice daily submerged areas from the spring high tide to a depth of four feet below mean low water). The selected plan involves initial and periodic beach nourishment, which will cover existing intertidal areas and create new ones. Most sessile or slow moving organisms that reside in intertidal zone will be buried however rapid recruitment and recovery is expected in this constantly changing dynamic habitat. The filling of intertidal and subtidal shallows meets the requirements found under the filling rule (N.J.A.C. 7:7E-4.2 (j)) and the coastal engineering rule (7:7E-7.11 (d)); therefore, the selected plan would be consistent with this policy.

7:7E-3.16 DUNES

This policy protects and preserves ocean and Bay Shoreline dunes. The selected plan does not contain any dunes; therefore, this policy is not applicable.

7:7E-3.17 OVERWASH AREAS

This policy restricts development in overwash areas due to their sensitive nature. The project site does not contain any overwash habitats; therefore, this policy is not applicable.

7:7E-3.18 COASTAL HIGH HAZARD AREAS

This policy restricts development in coastal high hazard areas (i.e., flood prone) as delineated on the FEMA maps. The selected plan involves construction of shore protection methods. The plan does not include or encourage development in any coastal high hazard area. The selected plan involves acceptable shore protection activities including restoration of erosion hazard areas; therefore, the selected plan would be consistent with this policy.

7:7E-3.19 EROSION HAZARD AREAS

This policy prohibits development in erosion hazard areas under most circumstances, to protect public safety. The plan does not include or encourage development in an erosion hazard area. The selected plan involves acceptable shore protection activities including restoration of erosion hazard areas; therefore, the selected plan would be consistent with this policy.

7:7E-3.20 BARRIER ISLAND CORRIDOR

This policy restricts new development on barrier islands. The selected plan does not contain a barrier island corridor. Therefore this policy is not applicable.

7:7E-3.21 BAY ISLANDS

This policy restricts development on bay islands. The selected plan does not contain any bay islands. The selected plan involves construction of shore protection methods

7:7E-3.22 BEACHES

This policy restricts development on beach areas. The selected plan involves beach and berm restoration. These are acceptable activities that will meet the conditions listed within this coastal zone management plan; therefore, the selected plan would be consistent with this policy.

7:7E-3.23 FILLED WATER'S EDGE

This policy seeks to promote water dependent uses at areas along the waterfront that have been previously filled. The selected plan does not contain any filled water edge sites; therefore, this policy is not applicable.

7:7E-3.24 EXISTING LAGOON EDGES

This policy restricts development at lagoon edges because of potential water quality problems. The selected plan does not include any lagoon edges. This policy does not apply.

7:7E-3.25 FLOOD HAZARD AREAS

This policy is designed to restrict development in flood hazard areas and ensure that the waterfront is not pre-empted by uses that could function equally well at inland locations. The goal of this rule is to reduce losses of life and property resulting from unwise development of flood hazard areas, and allow uses compatible with periodic flooding. The selected plan would involve the restoration of shore protection measures, thereby protecting life and property; therefore, the selected plan is compatible with this policy.

7:7E-3.26 (RESERVED)

7:7E-3.27 WETLANDS

This policy restricts disturbance in wetland areas and requires mitigation if wetlands are destroyed or disturbed. The selected plan will not impact wetland either directly or indirectly; therefore this policy is not applicable.

7:7E-3.28 WETLAND BUFFERS

This policy restricts development in wetland buffer areas in order to protect wetlands. The selected plan will not impact wetland buffers; therefore the plan is consistent with this policy.

7:7E-3.29 (RESERVED)

7:7E-3.30 (RESERVED)

7:7E-3.31 COASTAL BLUFFS

This policy restricts development on coastal bluffs. The landward extent of project site does contain coastal bluffs in some locations. However, there will be no action including development on any coastal bluff areas; therefore, this policy is not applicable.

7:7E-3.32 INTERMITTENT STREAM CORRIDORS

This policy restricts actions in intermittent stream corridors. The outflow of section Poplar Brook may be considered an intermittent stream. The project plan will protect the stream flow across . Therefore the plan is consistent with this policy

7:7E-3.33 FARMLAND CONSERVATION AREAS

This policy seeks to preserve large parcels of land used for farming. There is no farmland conservation areas located within the selected plan.

7:7E-3.34 STEEP SLOPES

This policy seeks to preserve steep slopes by restricting development in such areas. There are no steep slopes in the selected plan.

7:7E -3.35 (RESERVED) 7:7E-3.35 Dry Borrow Pits

This policy restricts the excavation and filling of dry borrow pits. The project area does not contain any dry borrow pits; therefore, this policy is not applicable.

7:7E-3.36 HISTORIC AND ARCHAEOLOGICAL RESOURCES

This policy protects the value of historic and archaeological resources. Surveys of the near shore sand placement area and the SBBA have identified historic resources eligible for, or potentially eligible for, the National Register of Historic Places. A Draft Programmatic Agreement was prepared which stipulates that the near shore *Adonis/Rusland* archaeological complex will be monitored. Wrecks in the SBBA will be protected through employing buffer zones. This project is consistent with this policy.

7:7E-3.37 SPECIMEN TREES

This policy seeks to protect specimen trees. The project site does not contain any known specimen trees.

7:7E-3.38 ENDANGERED OR THREATENED WILDLIFE OR VEGETATION SPECIES HABITATS

This policy restricts development in endangered or threatened wildlife or vegetation species habitat areas. The NJDEP and the USFWS indicated that two listed endangered or threatened avian species, the piping plover (State and Federal) and the least tern may occur along the Elberon to Loch Arbour project site. However, many years of post monitoring (Sandy Hook to Manasquan) have shown that under existing conditions neither of the species nest there. Project actions are not expected to significantly impact either adult species during any transient visitation. Two State and Federal plant species are also known to be present within the region. However, monitoring similar to that for avian species has been continuously conducted and neither of these species (Sea Beach Amaranth and Sea Beach Knotweed) has been seen there for many years. No Federal or State listed species or critical habitat have been identified in the project area. The USACE will continue to coordinate with the USFWS, NMFS, and/or NJDEP to assess post construction impacts. The project will not implement development at or near the project beach. Therefore the project is consistent with this policy.

7:7E-3.39 CRITICAL WILDLIFE HABITATS

This policy discourages development that would adversely affect critical wildlife habitat. The selected plan would not affect any existing critical habitats. This policy does not apply

7:7E-3.40 PUBLIC OPEN SPACE

This policy encourages new public open spaces and discourages development that might adversely affect existing public open space. The will not influence development but will restore public space (beach and berm). The plan is therefore consistent with this policy.

7:7E-3.41 SPECIAL HAZARD AREAS

This policy discourages development in hazard areas. The selected plan does not contain any special hazard areas.

7:7E-3.42 EXCLUDED FEDERAL LANDS

Federal lands are beyond the jurisdiction of the New Jersey Coastal Zone. New Jersey has the authority to review activities on Federal lands if impacts may occur in New Jersey's Coastal Zone. The selected plan does not involve actions on or disturbance to Federal land.

7:7E-3.43 SPECIAL URBAN AREAS

This policy seeks to encourage development that would help to restore the economic and social viability of certain municipalities that receive state aid. The project area does not involve a Special Urban Area; therefore, this policy is not applicable.

7:7E-3.44 PINELANDS NATIONAL RESERVE AND PINELANDS PROTECTION AREA

This policy allows the Pinelands Commission to serve as the reviewing agency for actions within the Pinelands National Reserve. The project area is not located within the Pinelands Area.

7:7E-3.45 HACKENSACK MEADOWLANDS DISTRICT

This policy allows the Hackensack Meadowlands Development Commission to serve as the reviewing agency for actions within the Hackensack Meadowlands District. The project area is not located within the Hackensack Meadowlands District.

7:7E-3.46 WILD AND SCENIC RIVER CORRIDORS

This policy recognizes the outstanding value of certain rivers in New Jersey by restricting development to compatible uses. The project area is not located within a wild and scenic river corridor.

7:7E-3.47 GEODETIC CONTROL REFERENCE MARKS

This policy discourages disturbance of geodetic control reference marks. There are no known geodetic control reference marks in the area of the selected plan.

7:7E-3.48 HUDSON RIVER WATERFRONT AREA

This policy restricts development along the Hudson River Waterfront and requires development, maintenance, and management of a section of the Hudson Waterfront Walkway coincident with the shoreline of the development property. The project area is not located within the Hudson River Waterfront Area.

III Subchapter 3A – Standards for Beach and Dune Activities

7:7E-3A.1 STANDARDS APPLICABLE TO ROUTINE BEACH MAINTENANCE

The project does not involve routine beach maintenance, this policy is not applicable.

7:7E-3A.2 STANDARDS APPLICABLE TO EMERGENCY POST-STORM BEACH RESTORATION

Restoration beyond the pre-storm beach condition is encouraged by the Department, but will not be considered “emergency post-storm beach restoration,” pursuant to this section. All beach restoration will be in accordance to the appropriate State CZM guidelines, standards and recommendations. The project is consistent with this policy.

7:7E-3A.3 STANDARDS APPLICABLE TO DUNE CREATION AND MAINTENANCE

Dune creation is not part of the project plan. This policy does not apply.

7:7E-3A.4 STANDARDS APPLICABLE TO THE CONSTRUCTION OF BOARDWALKS

Boardwalks will not be constructed; therefore, this policy is not applicable.

IV Subchapter 3B – Wetland Mitigation Proposals

7-7E-3B.1 MITIGATION PROPOSAL REQUIREMENTS

This section details the requirements of a wetland mitigation proposal. The selected plan will not impact wetlands, and therefore does not require any wetland mitigation. This policy is not applicable.

V Subchapter 3C – Impact Assessment for Endangered and Threatened Wildlife.

This section details the performance and reporting standards for impact assessments for endangered and threatened wildlife species. If required, based on updated relevant agency correspondence, habitat/impact assessments for endangered and threatened species will conform to the performance and reporting standards listed.

At present there are no resident endangered or threatened wildlife species at the project site. Upon its construction, the selected plan may benefit piping plovers, least terns and seabeach amaranth by providing nesting and growing habitat. Should this occur, the USACE will reinitiate ESA Section 7 consultation with the USFWS as well as consult with NJDEP. Should the latter occur appropriate protective measures and compliance as recommended by the USFWS and the New Jersey Department of Fish Game and Wildlife will be implemented. The recommended plan is consistent with the standards provided with this policy.

VI Subchapter 4 – General Water Areas

7:7E-4.2 ACCEPTABILITY CONDITIONS FOR USES

1. “Atlantic Ocean” includes the area of the Atlantic Ocean that extends out to the three geographical mile limit of the New Jersey territorial sea and is bounded by the boundaries of New York and Delaware

This section defines the important uses of general water areas and sets conditions or standards of acceptability for certain uses.

7:7E-4.7 New dredging

7:7E-4.8 Dredged material disposal

Dredging and placement of sand is necessary for the construction of the selected plan. There is a demonstrated need for initial and periodic beach nourishment. Dredging and placement operations will meet the acceptability conditions for the applicable standards. The selected plan is consistent with this policy.

7:7E-4.17 Outfalls and intakes

Outfalls and intakes are conditionally acceptable provided that the use associated with the intake or outfall meets applicable Coastal Zone Management rules. Outfall construction will repair previously existing infrastructure to the appropriate needs of the selected plan and all construction will meet the acceptability conditions for the applicable standards. The selected plan is consistent with this policy.

VII Subchapter 5 – General Land Areas

This rule defines the acceptability of development in general land areas. The selected plan is considered a linear development as defined in N.J.A.C. 7:7E-6.1. The requirements of this subchapter do not apply to linear developments; therefore, this policy is not applicable.

VIII Subchapter 6 – General Location Rules

7:7E-6.1 LOCATION OF LINEAR DEVELOPMENT

This rule sets conditions for acceptability of linear development (e.g., roads, walkways, pipelines). The selected plan involves construction of an approximately 17,000 feet of sandy beach. There is no prudent or feasible alternative alignment which would have less impact, and there will be no long term or permanent loss of unique or irreplaceable areas; therefore, the selected plan is consistent with the rules on location of linear development.

7:7E-6.2 BASIC LOCATION

This rule states that the NJDEP may reject or conditionally approve a project for safety, protection of certain property, or preservation of the environment. The selected plan involves promoting public safety and welfare and protecting public and private property, through construction of shore protection measures. An alternative and design analysis, in coordination with the NJDEP, has ensured that the selected plan is consistent under the location rule.

7:7E-6.3 SECONDARY IMPACTS

This rule sets the requirements for the secondary impact analysis. Additional development is not expected as a result of the selected plan; therefore, there will be no

secondary impacts associated with the proposed shore protection project; therefore, this policy is not applicable.

IX Subchapter 7 – Use Rules

7:7E-7.2 HOUSING USE

These rules set standards for housing construction in the coastal area. The selected plan does not involve housing construction. This policy does not apply.

7:7E-7.3 RESORT RECREATIONAL USE

This rule sets standards for resort and recreational uses in the coastal area. The selected plan does not involve resort recreational uses. This policy does not apply.

7:7E-7.3A MARINA DEVELOPMENT

This rule sets standards for marina development in the coastal area. The selected plan does not involve marina development. This policy does not apply.

7:7E-7.4 ENERGY USE

This rule sets standards for energy uses in the coastal area. The selected plan does not involve new construction that would require long-term energy use. This policy does not apply.

7:7E-7.5 TRANSPORTATION USE

This rule sets standards for roads, public transportation, footpaths and parking facilities in the coastal area. The selected plan does not involve construction of roads, public transportation, footpaths, or parking facilities. This policy does not apply.

7:7E-7.6 PUBLIC FACILITY USE

This rule sets standards for public facilities (e.g., solid waste facilities) in the coastal area. The selected plan does not involve construction of a public facility. This policy does not apply.

7:7E-7.7 INDUSTRY USE

This rule sets standards for industrial uses in the coastal area. The selected plan does not involve construction of industrial facilities. This policy does not apply.

7:7E-7.8 MINING USE

This rule sets standards for mining in the coastal area. The selected plan will get its sand for nourishment from the Sea Bright Offshore Borrow Area, which received federal consistency as part of the Section I Sea Bright to Ocean Township, Beach Erosion Control Project, and therefore, the project is consistent with this policy.

7:7E-7.9 PORT USE

This rule sets standards for port uses and port-related development. The selected plan does not involve construction of a port; therefore, this policy is not applicable.

7:7E-7.10 COMMERCIAL FACILITY USE

This rule sets standards for commercial facilities such as hotels, and other retail services in the coastal zone. The selected plan does not involve construction of commercial facilities; therefore, this policy is not applicable.

7:7E -7.11 COASTAL ENGINEERING

This section sets standards to protect the shoreline, maintain dunes, and provide beach nourishment. Only those standards applicable to the selected plan areas are listed:

- (c) Standards relevant to dune management
Dune restoration, creation, and maintenance projects as non-structural shore protection measures are encouraged. The selected plan does not include dune creation.
- (d) Standards relevant to beach nourishment
Beach nourishment projects, such as non-structural shore protection measures are encouraged provided that certain guidelines are met. The selected plan will meet the guidelines and is consistent with this policy.
- (e) Standards relevant to structural shore protection
The construction of new shore protection structures, including seawalls, to prevent tidal waters from reaching erodible material is acceptable if it meets certain conditions. No (hard) structures are being proposed in the selected plan. Therefore the policy is not applicable

7:7E-7.12 DREDGED MATERIAL DISPOSAL ON LAND

This rule sets standards for disposal of dredged materials. The selected plan proposes shore protection measures largely consisting of purpose placed clean sand on the project site. This material has been previously tested and found suitable as beach restoration material, as such this is not a disposal operation. This policy is not applicable.

7:7E-7.13 NATIONAL DEFENSE FACILITY USE

This rule sets standards for the location of defense facilities in the coastal zone. The selected plan does not involve location of a defense facility; therefore, this policy is not applicable.

7:7E-7.14 HIGH RISE STRUCTURES

This rule sets standards for high rise structures in the coastal zone. The selected plan does not involve construction of high rise structures.

X Subchapter 8 – Resource Rules

7:7E-8.2 MARINE FISH AND FISHERIES

This rule sets standards of acceptability so as to cause minimal feasible interference with the reproductive and migratory patterns of estuarine and marine species of finfish and shellfish. The selected plan is expected to cause minimal, if any, interference with migratory or reproductive patterns of known fisheries resources. The action area for dredging is not a unique or critical spawning ground for any species. Expanses of identical adjacent habitat will be available to fisheries resources throughout the duration of the project

Though project borrow site is regionally close to the mouth of the Hudson estuary, the site itself is not considered a critical migratory pathway. The potential avoidance of project related activities is not expected to significantly impact any migrating species of finfish. The selected plan is consistent with this policy.

7:7E-8.3 (RESERVED)

7:7E 8.4 WATER QUALITY

This rule sets standards for coastal development to limit effects on water quality. The project plan is not developmental. However, short-term water quality impacts resulting from construction activities are expected. There will be localized increases in total suspended sediment and turbidity proximal to the placement area. As clean, previously tested course sand is the placement material not other WQ impacts area anticipated. No long-term impacts to the offshore or nearshore water quality are predicted as a result of the construction of the selected plan. Therefore the plan is consistent with this policy.

7:7E-8.5 SURFACE WATER USE

This rule sets standards for coastal development so as to limit effects on surface water. The plan does not involve “coastal development” as defined by NJCZM policy. However, short-term water quality impacts resulting from construction activities are expected and are anticipated to be localized proximal to the placement area. The dominant impact will be that of increased turbidity via the resuspension of clean sediments. Changes in dissolved ox, or other geo-chemical changes are not anticipated. The sand being placed on the beach has been previously analyzed and found suitable for beach nourishment and free of contaminants. Localized suspended sediment impacts have been shown to be comparable to increases in suspended sediments that result from naturally occurring coastal storms. The plan is consistent with this policy.

7:7E-8.6 GROUNDWATER USE

This rule sets standards for coastal development so as to limit effects on groundwater supplies. The selected plan will not involve or effect future use of groundwater supplies; therefore, this policy is not applicable.

7:7E-8.7 STORMWATER MANAGEMENT

This rule sets standards for coastal development so as to limit effects of stormwater runoff. This project is not developmental. However, as part of the coastal protection plan storm water drainage will be repaired and to ensure outfalls will function properly within the newly constructed shore protection plan. The plan considers storm water effects and minimizes them. The plan therefore is consistent with this policy.

7:7E-8.8 VEGETATION

This rule sets standards for coastal development while protecting native vegetation. The selected plan involves the restoration of sandy dune habitat and will provide long-term protection to the existing dune, which is currently being lost due to erosion. Restoration of the sandy dune will include planting of native vegetation to help stabilize the dune.

7:7E-8.9 (RESERVED)

7:7E-8.10 AIR QUALITY

This rule sets standards for coastal development with requirements that projects must meet applicable air quality standards. The Sandy Hook to Barnegat Inlet Beach Erosion Control Project, Elberon to Loch Arbour will comply with the General Conformity requirement (40 CFR§90.153) through the following options that have been coordinated

with the NJDEP; statutory exemption, emission reduction opportunities, Surplus NOx Emission Offsets generated by the Harbor Deepening Project, purchase of Environmental Protection Agency Clean Air Interstate Rule ozone season oxides of nitrogen (NOx) allowances and State Implementation Plan accommodation. This project, as scheduled, is not de minimis under 40 CFR§90.153, therefore one or a combination of these options will be used to meet the GC requirements, therefore, the project would be consistent with this policy .

7:7E-8.11 PUBLIC ACCESS TO THE WATERFRONT

This rule requires that coastal development adjacent to the waterfront provide perpendicular and linear access to the waterfront to the extent practicable, including both visual and physical access. The selected involves beach and berm restoration which includes the construction of walkways to the berm to allow public access to the beach. The selected plan will not impede public access to the waterfront; therefore, the project is consistent with this policy.

7:7E -8.12 SCENIC RESOURCES AND DESIGN

This rule sets standards that new coastal development be visually compatible with its surroundings. The proposed plan does not include any new coastal development, therefore this policy is not applicable.

7:7E-8.13 BUFFERS AND COMPATIBILITY OF USES

This rule sets standards for adequate buffers between compatible land uses. The selected plan is compatible with adjacent land uses; therefore, it would be consistent with this policy.

7:7E-8.14 TRAFFIC

This rule sets standards that restrict coastal development that would disturb traffic systems. Though the plan is not considered coastal development, the project's goal is to lessen the impact of storm induced coastal flooding which will help to prevent impacts to traffic. Project construction activities may on occasion temporarily affect traffic. The selected plan will make every effort possible to mitigate temporary impacts on traffic during construction. The selected plan is consistent with this policy

7:7E-8.15 THROUGH 8.20 (RESERVED)

7:7E-8.21 SUBSURFACE SEWAGE DISPOSAL SYSTEMS

This rule sets standards for subsurface sewage disposal systems in the coastal zone. The selected plan does not involve sewage disposal; therefore, this policy is not applicable.

7:7E-8.22 SOLID AND HAZARDOUS WASTE

This rule sets standard for disposal of garbage, refuse, sludge or other waste material, including solid, liquid, semi-solid or contained gaseous material. Project construction will generate small amounts of solid waste materials and there is the potential for spillage or disposal hazardous liquids relating to various fuels and lubricants etc. All waste materials and storage procedures as well as protocols for handling potential spills of hazardous material are covered in the state approved SOP including HTRW, and Health and Safety plans. All plans and procedures are in compliance with N.J. CZM standards therefore the project is consistent with this policy.