

Rahway River Basin, New Jersey
Coastal Storm Risk Management Feasibility Study

Appendix A.6
Statement of Compliance with Coastal Zone
Management Rules

**New Jersey Coastal Zone Management Evaluation
Rahway River Basin Coastal Storm Risk Management Feasibility Study
Union and Middlesex Counties, New Jersey**

INTRODUCTION

The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. §§1451-1466) 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 January 7, 2003). The Waterfront Development Law (N.J.S.A. 12:5-3) and related requirements (N.J.A.C. 7:7-3) provide the authority for issuance of permits for, among other activities the reconstruction (with or without expansion) of single family homes.

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 proposed project is a coastal storm risk management project involving the implementation of nonstructural measures, and the construction of a levee/floodwall located within the designated coastal zone of New Jersey, in the City of Rahway, Township of Woodbridge, Borough of Carteret and City of Linden, Union and Middlesex Counties. In addition, as the construction of the levee/floodwall will potentially impact 2.99 acres of tidal and scrub-shrub wetlands, the project will include mitigation for these resources. The following assessment identifies the coastal zone management policies relevant to the proposed coastal storm risk management project and associated environmental resource mitigation. This assessment is based on feasibility level conceptual plans and will be updated during the Preconstruction Engineering Design Phase as more detailed plans are developed and permits applications are submitted.

DISCUSSION OF NEW JERSEY COASTAL ZONE MANAGEMENT POLICIES APPLICABLE TO THE PROPOSED PROJECT

The following section identifies the New Jersey CZM policies, identifies how they are applicable to the proposed project, and discusses the project issues relevant to each.

SUBCHAPTER 9 – SPECIAL AREAS

7:7-9.1 PURPOSE AND SCOPE: Special areas are areas that are so naturally valuable, important for human use, hazardous, sensitive to impact, or particular in their planning requirements, as to merit focused attention and special management rules.

7:7-9.2 SHELLFISH HABITAT

This policy generally limits disturbance of shellfish habitat.

Based on a review of the NJ Shellfish Growing Water Classification Charts developed by the NJDEP, the proposed project is neither located in nor adjacent to designated shellfish habitat. In addition, the proposed project will not impact coastal waters such as the Arthur Kill? Therefore, this policy is not applicable.

7:7-9.3 SURF CLAM AREAS

This policy prohibits development that would destroy or contaminate surf clam areas.

The proposed project is not located in a surf clam area nor would it contaminate surface water, therefore this policy is not applicable to the proposed project.

7:7-9.4 PRIME FISHING AREAS

This policy prohibits sand or gravel submarine mining which would alter existing bathymetry in a manner that would significantly reduce high fishery productivity in prime fishing areas. Prime fishing areas include tidal water areas and water's edge areas which have a demonstrable history of supporting a significant local intensity of recreational or commercial fishing activity in addition to areas identified in "New Jersey's Recreational and Commercial Fishing Grounds of Raritan Bay, Sandy Hook Bay and Delaware Bay and the Shellfish Resources of Raritan Bay and Sandy Hook Bay" by Figley and McCloy (1988) and those areas identified on the map titled, "New Jersey's Specific Sport Ocean Fishing Grounds".

The proposed project is not located in a prime fishing area as defined above nor does the proposed project involve any sand or gravel mining. Therefore, this policy is not applicable.

7:7-9.5 FINFISH MIGRATORY PATHWAYS

This policy prohibits development such as dams, dikes, spillways, channelization, tide gates, and intake pipes that would create physical barriers to migratory fish or degrade water quality such that it interferes with fish movement.

The proposed project would not create permanent physical barriers to migratory fish nor would it degrade water quality. A flap gate will be placed in the levee/floodwall drainage structure proposed within Casey's Creek to maintain fish passage. Erosion and sediment control best management practices will be implemented during construction to minimize impacts to water quality. The proposed project will have no permanent adverse impacts to water quality. Therefore, the proposed project is in compliance with this policy.

7:7-9.6 SUBMERGED VEGETATION HABITAT

This policy prohibits or restricts development at or near submerged vegetation habitats unless compensation efforts establish self-sustaining habitat for the appropriate species. As defined by the State, submerged vegetation consists of an area that supports or is documented as supporting rooted, submerged vascular plants such as widgeongrass (*Ruppia maritima*), sago pondweed (*Stuckenia pectinata*), horned pondweed (*Zannichellia palustris*), and eelgrass (*Zostera marina*). N.J.A.C. 7:7-9.6 states that in New Jersey, submerged vegetation is most prevalent in the shallow portions of the Navesink, Shrewsbury, Manasquan, and Metedeconk Rivers, and in Barnegat, Manahawkin, and Little Egg Harbor Bays.

Based on a review of “New Jersey Submerged Aquatic Vegetation Distribution” mapping, this policy is not applicable since the proposed project is not located in water areas supporting or documented as previously supporting rooted, submerged vascular plants.

7:7-9.7 NAVIGATION CHANNELS

This policy prohibits construction that would extend into a navigation channel or would result in the loss of navigability. This policy discourages the placement of structures within 50 feet of any authorized navigation channel, unless it can be demonstrated that the proposed structure will not hinder navigation. This policy requires appropriate mitigation measures for development which would cause terrestrial soil and shoreline erosion and siltation in navigation channels.

The Rahway River within the project area does not have a constructed navigation channel. However, it is navigable for small watercraft. All elements of the proposed project are located on land, and are therefore in compliance with this policy.

7:7-9.8 CANALS

This policy prohibits actions that would interfere with boat traffic in canals used for navigation, defined as navigation channels for boat traffic through land areas which are created by cutting and dredging or other human construction technique sometimes enlarging existing natural surface water channels.

This policy is not applicable because the proposed project does not involve or affect navigation canals used for boat traffic through land areas.

7:7-9.9 INLETS

This policy prohibits filling and discourages submerged infrastructure in inlets, which are natural channels through barrier islands allowing movement of fresh and salt water between the ocean and the back-bay system.

This policy is not applicable because the proposed project will not impact any inlets as defined above.

7:7-9.10 MARINA MOORINGS

This policy prohibits non-water dependent development in marina mooring areas and discourages any use that would detract from existing or proposed recreational boating use in marina mooring areas.

This policy is not applicable since the proposed project does not involve development in any marina mooring areas nor does it detract from existing or proposed recreational boating use in marina mooring areas.

7:7-9.11 PORTS

This policy prohibits actions that would preempt or interfere with port uses. Ports are water areas having, or lying immediately adjacent to, concentrations of shoreside marine terminals and transfer

facilities for the movement of waterborne cargo (including fluids), and including facilities for loading, unloading and temporary storage.

This policy is not applicable since the proposed project is not located in a port.

7:7-9.12 SUBMERGED INFRASTRUCTURE ROUTES

This policy prohibits any activity that would increase the likelihood of submerged infrastructure damage or breakage, or interfere with maintenance operations.

There is an existing natural gas pipeline in the western-most footprint of the proposed levee/floodwall. This pipeline runs perpendicular to the levee/floodwall, therefore only a small portion of the pipeline will be affected. As part of construction of the levee/floodwall, the Corps will modify the pipeline to extend emergency shut off valves outside of the levee/floodwall footprint and the 15 ft no vegetation zone in order to maintain emergency access to the pipeline. Therefore, the proposed project is in compliance with this policy.

7:7E-9.13 SHIPWRECK AND ARTIFICIAL REEF HABITATS

This policy restricts the use of areas with shipwrecks and artificial reefs that would adversely affect the usefulness of the area as a fisheries resource.

This policy is not applicable since there are no shipwrecks or artificial reef habitats in the proposed project area.

7:7-9.14 WET BORROW PITS

Wet borrow pits are scattered artificially created lakes that are the results of surface mining for coastal minerals extending below groundwater level to create a permanently flooded depression. This includes, but is not limited to, flooded sand, gravel, and clay pits, and stone quarries. Where a wet borrow pit is also a wetland and/or wetlands buffer, the wetlands rule, N.J.A.C. 7:7-9.27, and/or wetlands buffers rule, N.J.A.C. 7:7-9.28, shall apply.

This policy is not applicable since the proposed project does not contain nor will make use of any wet borrow pits.

7:7-9.15 INTERTIDAL AND SUBTIDAL SHALLOWS

This policy discourages disturbance of shallow water areas (all permanently or temporarily submerged areas from the spring high water line to a depth of four feet below mean low water).

The levee/floodwall will be constructed over Casey's Creek, a small, tidal tributary to the Rahway River. The construction of the levee/floodwall will require minor excavation and filling within the intertidal and subtidal shallows associated with Casey's Creek. However, the proposed project is in the interest of public safety, impacts were minimized to the extent possible, and mitigation for associated impacts is provided for (refer to Appendix A6 of the Draft Feasibility Report/Environmental Assessment). Additionally, the proposed project is compatible with existing land and water uses and is consistent with the filling rule (N.J.A.C. 7:7-12.11).

7:7E-9.16 DUNES

This policy prohibits development on dunes and removal of vegetation from dunes. A dune is a wind or wave deposited or man-made formation of sand (mound or ridge), that lies generally parallel to, and landward of, the beach and the foot of the most inland dune slope.

This policy is not applicable since the proposed project is not located on or near dunes.

7:7-9.17 OVERWASH AREAS

This policy restricts development in over-wash areas, an area subject to accumulation of sediment, usually sand, that is deposited landward of the beach or dune by the rush of water over the crest of the beach berm, a dune or a structure.

This policy is not applicable since the proposed project is not located on over-wash areas.

7:7-9.18 COASTAL HIGH HAZARD AREAS

This policy restricts development in coastal high hazard areas, flood prone areas subject to high velocity waters as delineated on FEMA maps and areas within 25 feet of oceanfront shore protection structures, which are subject to wave run-up and overtopping. The coastal high hazard area is identified as Zone V on Flood Insurance Rate Maps (FIRMs).

Based on a review of FEMA Flood Insurance Rate Maps, the proposed project area is located in Zone AE. Therefore, this policy is not applicable.

7:7-9.19 EROSION HAZARD AREAS

This policy prohibits development in erosion hazard areas under most circumstances, to protect public safety. Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion, and damage from storms.

This policy is not applicable since the proposed project is not located on a shoreline area that is susceptible to storm related erosion and damage.

7:7-9.20 BARRIER ISLAND CORRIDOR

This policy restricts new development on barrier islands. Barrier island corridors are the interior portions of oceanfront barrier islands, spits and peninsulas.

None of the municipalities within the project area are barrier islands; therefore this policy does not apply.

7:7E-9.21 BAY ISLANDS

This policy restricts development on bay islands, islands or filled areas surrounded by tidal waters, wetlands, beaches or dunes, lying between the mainland and barrier island.

None of the municipalities within the project area are islands; therefore this policy does not apply.

7:7-9.22 BEACHES

This policy restricts development on beach areas. Beaches are gently sloping areas of sand or other unconsolidated material, found on all tidal shorelines, including ocean, bay, and river shorelines that extend landward from the mean high water line.

This policy is not applicable since the proposed project is not located on any beaches.

7:7-9.23 FILLED WATER'S EDGE

This policy seeks to promote water dependent uses at areas along the waterfront that have been previously filled. Filled water's edge areas are existing filled areas lying between wetlands or water areas, and either the upland limit of fill, or the first paved public road or railroad landward of the adjacent water area, whichever is closer to the water.

A portion of the proposed levee/floodwall is located within a Middlesex County owned park. Specifically, the levee/floodwall alignment is located along an existing walking trail that parallels the Rahway River and a tidal wetlands complex. The portion of the park on the north side of the walking trail has been developed to include athletic fields, tennis courts, a playground, comfort stations and a parking lot. The portion of the park on the south side of the walking trail is relatively undeveloped with the exception of a wildlife observation deck and consists of the Rahway River river bank and the tidal wetland complex. Although the area is not known to be filled water's edge areas. However, some filling of wetlands has occurred through development of park infrastructure.

The proposed activities will not reduce or adversely affect the area currently or recently devoted to any water dependent use and complies with the Public Access rule (N.J.A.C. 7:7- 16.9) as public access to the waterfront will be maintained by including a footpath on top of the levee/floodwall and replacing the wildlife observation deck after construction of the levee/floodwall.

7:7-9.24 EXISTING LAGOON EDGES

This policy restricts development at lagoon edges. Existing lagoon edges are defined as existing manmade land areas resulting from the dredging and filling of wetlands, bay bottom, and other estuarine water areas for the purpose of creating waterfront lots along lagoons for residential and commercial development.

This policy is not applicable since the proposed project is not located along any lagoon edges.

7:7-9.25 FLOOD HAZARD AREAS

This policy is designed to restrict development in flood hazard areas to ensure that the waterfront is not pre-empted by uses that could function equally 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. Flood hazard areas are areas subject to flooding from the flood hazard area design flood, as defined by NJDEP under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. Flood hazard areas include those areas mapped as such by the NJDEP, areas defined or delineated as an A or a V zone by the FEMA, and any unmapped areas subject to flooding by the flood hazard area design flood.

Per the FEMA FIRM for Carteret, the proposed project is located in Flood Zone AE with a base flood elevation of +7 feet NAVD 88. Since the proposed project is a coastal storm risk management project involving the implementation of nonstructural measures (e.g. wet/dry floodproofing, elevation) and a levee/floodwall, the project is compatible with this policy.

7:7-9.26 RIPARIAN ZONES

This policy restricts development in riparian zones around regulated waters.

Per 7:13-4.1 (c) of the Flood Hazard Area Control Act Rules, the regulated riparian zone is 50 feet. All elements of the proposed project are outside of this zone. Therefore, this policy is not applicable.

7:7-9.27 WETLANDS

This policy restricts disturbance in wetland areas and requires mitigation if wetlands are destroyed or disturbed.

The proposed levee/floodwall and associated 15 vegetation free zone will permanently impact approximately 3.56 acres of wetlands. The specific wetland types include 1.29 acres of low marsh, 1.13 acres of phragmites dominated high marsh, 0.57 acres of deciduous scrub-shrub wetlands.

Approximately 1.09 acres of wetlands will be temporarily impacted by the construction of the levee/floodwall/floodwall.

The temporarily impacted wetlands and buffers will be restored after construction and the permanently impacted wetlands will be mitigated for as described in Appendix A8 of the draft Feasibility Report/Environmental Assessment. All permits will be applied for after the project is authorized for construction and during the Preconstruction Engineering Phase.

7:7-9.28 WETLAND BUFFERS

This policy restricts development in wetland buffer areas in order to protect wetlands.

The proposed levee/floodwall is located within the upper boundaries of a wetland complex in which the majority of the wetland buffer area has already been modified by development. However, temporary impacted wetlands and buffers will be restored and permanently impacted areas will be mitigated for as described in Appendix A8 of the draft Feasibility Report/Environmental Assessment.

7:7-9.29 COASTAL BLUFFS

This policy restricts development on coastal bluffs.

This policy is not applicable since the proposed project is not located along any coastal bluffs.

7:7-9.30 INTERMITTENT STREAM CORRIDORS

This policy restricts actions in intermittent stream corridors.

This policy is not applicable since the proposed project is not located in intermittent stream corridors.

7:7-9.31 FARMLAND CONSERVATION AREAS

This policy seeks to maintain and protect large parcels of land used for farming for farming or farm dependent uses.

This policy is not applicable since the proposed project is not located near or on farmland conservation areas.

7:7-9.32 STEEP SLOPES

This policy seeks to preserve steep slopes by restricting development in such areas.

This policy is not applicable since the proposed project is not located on steep slopes. The topography within the project area is relatively flat, with significant slopes limited to the proposed levee/floodwall.

7:7-9.33 DRY BORROW PITS

This policy restricts the use and provides maintenance of dry borrow pits within acceptable limits.

This policy is not applicable since the proposed project is not located near dry borrow pit areas.

7:7E-9.34 HISTORIC AND ARCHAEOLOGICAL RESOURCES

This policy protects the value of historic and archaeological resources and may require cultural resource surveys and other protective measures.

A preliminary assessment was carried out for the study area to identify documented historic properties and archaeological sites within the vicinity of the project area (See Appendix A.4). A number of the structures identified for non-structural flood risk management measures are within the Upper Rahway

Historic District and are adjacent to the Rahway River Parkway Historic District. The proposed levee/floodwall intersects with the Inch Lines Linear Multistate Historic District, an oil pipeline that is now operating as a natural gas pipeline. Additional survey and public and agency coordination will be carried out to identify previously undocumented historic properties eligible for the National Register of Historic Places and to investigate areas with archaeological potential. Adverse effects to resources within the project area will be considered as the plans are developed. Section 106 of the National Historic Preservation Act also requires consideration of these resources and directs federal agencies to address adverse effects through avoidance, minimization of impacts, and mitigation, if necessary. A Programmatic Agreement has been prepared that directs these actions and ensures ongoing coordination with the State Historic Preservation Office and other interested parties, therefore the project is compatible with this policy.

7:7-9.35 SPECIMAN TREES

This policy seeks to protect specimen trees.

This policy is not applicable since the proposed project does not contain any known specimen trees.

7:7-9.36 ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITATS

This policy restricts development in endangered or threatened wildlife or vegetation species habitat areas.

Endangered or threatened wildlife or plant species habitats are terrestrial and aquatic (marine, estuarine, or freshwater) areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife or plant identified as “endangered” or “threatened” species on official federal or state lists of endangered or threatened species, or under active consideration for state or federal listing. The definition of endangered or threatened wildlife or plant species habitats includes a sufficient buffer area to ensure continued survival of the population of the species as well as areas that serve an essential role as corridors for movement of endangered or threatened wildlife. Absence of such a buffer area does not preclude an area from being endangered or threatened wildlife or plant species habitat.

Development of endangered or threatened wildlife or plant species habitat is prohibited unless it can be demonstrated, through an endangered or threatened wildlife or plant species impact assessment as described at N.J.A.C. 7:7-11, that endangered or threatened wildlife or plant species habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected.

Based on an official Endangered and Threatened species list the District obtained from the U.S. Fish and Wildlife Service, there is the potential for the endangered Indiana bat (*Myotis sodalis*), and threatened northern long eared bat (*Myotis septentrionalis*) to occur within the project area. These species will be protected during construction by the implementation of a tree clearing restriction from from 1 April through 30 September.

Studies conducted by the New Jersey Department of Environmental Protection Division of Fish and Wildlife in 2016 identified two active American bald eagle nests; one in Linden and one in Kearny, approximately two miles from the project area.

The wetland complexes in the lower portion of the Rahway River have documented foraging habitat for approximately 27 state listed endangered, threatened and special concern species. The full list is located in Section 3.6.2 of the main draft Feasibility Report/Environmental Assessment.

Based on a review of NJ-Geoweb, the wetland complex in which the proposed levee/floodwall is located has been documented as having suitable foraging habitat for cattle egret, snowy egret, black-crowned night heron, little blue heron and glossy ibis.

Although the proposed project will permanently impact wetlands, the project is located within the upper boundary of the wetlands that have already experienced modification. A vegetation clearing restriction from 15 April through 31 August will be implemented during construction to protect migratory bird species. In addition, the proposed on-site mitigation will serve to enhance foraging habitat for bird species.

The anticipated level of ground disturbance from implementing the nonstructural measures will be centered around the existing foundations and within the same boundaries of prior disturbance and therefore would not adversely impact habitat, either directly or through secondary impacts on the relevant site or in the surrounding area. The Corps will continue to coordinate throughout all phases of the proposed project with the USFWS, NOAA Fisheries, and/or the NJDEP to remain consistent with this policy.

7:7-9.37 CRITICAL WILDLIFE HABITATS

This policy discourages development that would adversely affect critical wildlife habitat. Critical wildlife habitats are specific areas known to serve an essential role in maintaining wildlife, particularly in wintering, breeding, and migrating. Definitions and maps of critical wildlife habitats are currently available only for colonial waterbird habitat in the 1979 Aerial Colony Nesting Waterbird Survey for New Jersey. Other sites are considered on a case-by-case basis by the Division of Fish and Wildlife.

Development that will directly or through secondary impacts on the relevant site or in the surrounding region adversely affect critical wildlife habitats is discouraged, unless: minimal feasible interference with the habitat can be demonstrated; there is no prudent or feasible alternative location for the development; and the proposal includes appropriate mitigation measures.

The proposed project is not known to serve as critical wildlife habitat as defined by the state of New Jersey. The project area is included in the Arthur Kill and Tributaries Important Bird Area as designated by the National Audubon Society. In addition, the proposed project is located within the Arthur Kill Complex which is part of the Significant Habitats and Habitat Complexes of the New York Bight Watershed as determined by the U.S. Fish and Wildlife Service.

Although the proposed levee/floodwall will permanently impact wetlands, the project is located within the upper boundary of the wetlands that have already experienced modification. A vegetation clearing restriction from 1 March through 31 August will be implemented during construction to protect migratory bird species. In addition, the proposed on-site mitigation will serve to enhance foraging habitat for bird species. The nonstructural measures will not have any adverse impacts. Therefore, the proposed project is in compliance with this policy.

7:7-9.38 PUBLIC OPEN SPACE

This policy encourages new public open spaces and discourages development that might adversely affect existing public open space. Public open space refers to lands owned or maintained by federal, state, or local agencies and which are dedicated to the conservation of public recreation, natural resources, visual or physical public access, and/or the protection and management of wildlife.

Development that adversely affects existing public open space is discouraged. Development within existing public open space is conditionally acceptable, provided that the development is consistent with the character and purpose of public open space, as described by the park master plan when such

a plan exists. All new development adjacent to public open space will be required to provide an adequate buffer area.

The levee portion of the proposed levee/floodwall system is located within Joseph Medwick Memorial Park which is owned and operated by Middlesex County. Recreational facilities within the park include a walking path, tennis courts, playgrounds, a comfort station, wildlife observation decks, and athletic fields. The levee footprint is located within an existing walking path and will require the removal of a wildlife observation deck that overlooks a tidal wetland. However, the top of the levee will be paved to continue the footpath and the wildlife observation deck will be replaced after construction.

The project would serve to protect public open space from storms and floods and is consistent with the goals of the Borough of Carteret Access Plan (adopted June 2015) to preserve public land and to support future regional conservation and recreation needs within the Borough. Therefore, the proposed project is consistent with this policy.

7:7-9.39 SPECIAL HAZARD AREAS

This policy discourages development in hazard areas. Special hazard areas include areas with a known actual or potential hazard to public health, safety, and welfare, or to public or private property, including areas where hazardous substances are used or disposed, including adjacent areas and areas of hazardous material contamination.

This policy is not applicable since the proposed project does not affect special hazard areas.

7:7-9.40 EXCLUDED FEDERAL LANDS

Excluded federal lands are those lands, the use of which is, by law, subject solely to the discretion of or held in trust by the federal government, its officers, or agents. New Jersey has the authority to review activities on Federal lands if impacts may occur in New Jersey's Coastal Zone.

This policy is not applicable since the proposed project is not on the list of Excluded Federal Lands.

7:7-9.41 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. Special urban areas are those municipalities defined in urban aid legislation (N.J.S.A.52:27D178) qualified to receive state aid to enable them to maintain and upgrade municipal services and offset local property taxes.

This policy is not applicable since the proposed project is not located in special urban areas.

7:7-9.42 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.

This policy is not applicable since the proposed project is not within the Pinelands National Reserve.

7:7-9.43 HACKENSACK MEADOWLANDS DISTRICT

This policy allows the Hackensack Meadowlands Development Commission to serve as the reviewing agency for actions within the Hackensack Meadowlands District.

This policy is not applicable since the proposed project is not within the Hackensack Meadowlands District.

7:7-9.44 WILD AND SCENIC RIVER CORRIDORS

This policy recognizes the outstanding value of certain rivers in New Jersey by restricting development to compatible uses. Wild and scenic river corridors are all rivers designated into the National Wild and Scenic Rivers System and any rivers or segments thereof being studied for possible designation into that system pursuant to the National Wild and Scenic Rivers Act (16 U.S.C. 1271-1278).

This policy is not applicable since the proposed project is not located in any Wild and Scenic River Corridor.

7:7-9.45 GEODETIC CONTROL REFERENCE MARKS

This policy discourages the disturbance of geodetic control reference marks. Geodetic control reference marks are traverse stations and benchmarks established or used by the New Jersey Geodetic Control Survey pursuant to P.L. 1934, c.116. They include monuments, disks, points, rivets, and marks.

This policy is not applicable since the proposed project area does not contain any known geodetic control reference marks.

7:7-9.46 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.

This policy is not applicable since the proposed project is not located in the Hudson River Waterfront Area.

7:7-9.47 ATLANTIC CITY

This policy restricts development within the municipal boundary of the City of Atlantic City.

This policy is not applicable since the proposed project is not located in Atlantic City.

7:7-9.48 LANDS AND WATERS SUBJECT TO PUBLIC TRUST RIGHTS

This policy restricts development that adversely affects lands and waters subject to public trust rights. Lands and waters subject to public trust rights are tidal waterways and their shores, including both lands now or formerly below the mean high water line, and shores above the mean high water line. Tidal waterways and their shores are subject to the Public Trust Doctrine and are held in trust by the state for the benefit of all the people, allowing the public to fully enjoy these lands and waters for a variety of public uses.

This policy is not applicable since the proposed project is not located on lands and waters subject to public trust rights.

7:7-9.49 DREDGED MATERIAL MANAGEMENT AREAS

A dredged material management area is an area documented through historical data, including, but not limited to, aerial photography, historic surveys, and/or previously issued permits, as having been previously used for the placement of sediment associated with the dredging of State and/or Federal navigation channels and marinas.

This policy is not applicable since the proposed project is not located within or near any dredged material management areas.

SUBCHAPTER 10 – STANDARDS FOR BEACH AND DUNE ACTIVITIES

This subchapter sets forth the standards applicable to routine beach maintenance, emergency post-storm restoration, dune creation and maintenance, and construction of boardwalks. These standards are referenced at N.J.A.C. 7:7-9.16, Dunes; N.J.A.C. 7:7-9.17, Overwash areas; N.J.A.C. 7:7-9.19, Erosion hazard areas; N.J.A.C. 7:7-9.22, Beaches; and N.J.A.C. 7:7-15.11, Coastal engineering. In addition, N.J.A.C. 7:7-10.2, 10.3, and 10.4 are the standards for the general permit for beach and dune maintenance activities, N.J.A.C. 7:7-6.2.

This policy is not applicable because the proposed project is not located in an area that contains any beaches and/or dunes.

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 SPECIES HABITAT EVALUATION

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.

This policy restricts development in endangered or threatened wildlife or vegetation species habitat areas.

Refer to Section 7:7-9:36. The Corps will continue coordination with the U.S. Fish and Wildlife Service and NOAA-Fisheries throughout all phases of the project.

SUBCHAPTER 12 – GENERAL WATER AREAS

7:7-12.1 PURPOSE AND SCOPE

General water areas are all water areas which are located below either the spring high water line or the normal water level of non-tidal waters. Sections 7:7-12.2-12.24 set forth the requirements for specific types of development within general water areas.

7:7-12.2 SHELLFISH AQUACULTURE

This policy sets standards for shellfish aquaculture. Shellfish aquaculture means the propagation, rearing, and subsequent harvesting of shellfish in controlled or selected environments, and the processing, packaging and marketing of the harvested shellfish. Shellfish aquaculture includes activities that intervene in the rearing process to increase production such as stocking, feeding, transplanting, and providing for protection from predators. For the purposes of this section, shellfish means any species of benthic mollusks including hard clams (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), surf clams (*Spisula solidissima*), bay scallops (*Aequipectin irradians*), and oysters (*Crassostrea virginica*). Shellfish shall not include conch, specifically, knobbed whelks (*Busycon carica*), lightning whelks (*Busycon contrarium*), and channeled whelks (*Busycotypus canaliculatus*).

This policy is not applicable because the proposed project is not located within or near any shellfish aquaculture areas.

7:7-12.3 BOAT RAMPS

This policy sets standards for the installation of boat ramps.

This policy is not applicable because there are not boat ramps within the project a.

7:7-12.4 DOCKS AND PIERS FOR CARGO AND COMMERCIAL FISHERIES

This policy sets standards for the installation of docks and piers specific for cargo and passenger movement either supported on pilings driven into the bottom substrate or floating on the water surface, used for loading and unloading passengers or cargo and ensure they do not interfere with navigation.

This policy is not applicable because there are no docks or piers as described above within the project footprint.

7:7-12.5 RECREATIONAL DOCKS AND PIERS

This policy sets standards for recreational and fishing docks and piers supported on pilings driven into the bottom substrate or floating on the water surface or cantilevered over water, which are used for recreation fishing or for the mooring of boats or jet skis used for fishing or recreation.

This policy is not applicable because there are no such piers in area.

7:7-12.6 MAINTENANCE DREDGING

This policy sets standards for maintenance Maintenance dredging is the periodic removal of accumulated sediment from previously legally dredged navigation and access channels, marinas, lagoons, canals, or boat moorings for the purpose of safe navigation.

This policy is not applicable because it does not involve maintenance dredging.

7:7-12.7 NEW DREDGING

New dredging is the removal of sediment that does not meet the definition of maintenance dredging at N.J.A.C. 7:7-12.6 or the definition of environmental dredging at N.J.A.C. 7:7-12.8.

Approximately 100 cubic yards of sediment will be removed from within the channel of Casey's Creek as part of the construction of the proposed levee/floodwall.

7:7-12.8 ENVIRONMENTAL DREDGING

Environmental dredging means new dredging performed in a special hazard area designated as such pursuant to N.J.A.C. 7:7-9.39 specifically to remove contaminated sediments for the purpose of remediating to an environmental standard as specified in the Department's Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

This policy is not applicable to the proposed project as it does not involve dredging as described above.

7:7-12.9 DREDGED MATERIAL DISPOSAL

Dredged material disposal is the discharge of sediments removed during dredging operations in water areas. Dredged material disposal does not include the beneficial use of dredged material for the purposes of habitat creation, restoration, or enhancement, artificial reef construction, or the establishment of living shorelines.

The construction contractor will dispose of the sediments in a suitable authorized upland facility in accordance with NJDEP regulations.

7:7-12.10 SOLID WASTE OR SLUDGE DUMPING

This policy prohibits the dumping of solid waste or sludge into a water areas. Solid waste or sludge is defined as the discharge of solid or semi-solid waste material from industrial or domestic sources or sewage treatment operations into a water area.

The construction contractor will be required to prepare an Environmental Protection Plan that will outlined measures taken to prevent any unregulated discharges.

7:7-12.11 FILLING

This policy sets standards related to fill activities within water areas. Filling is defined as the deposition of material including, but not limited to, sand, soil, earth, and dredged material, into water areas for the purpose of raising water bottom elevations to create land areas.

In cases where there is no alternative to filling, filling is conditionally acceptable provided: 1) The use that requires the fill is water-dependent; 2) There is a demonstrated need that cannot be satisfied by existing facilities; 3) There is no feasible or practicable alternative site on an existing water's edge; 4) The minimum practicable area is filled; 5) The adverse environmental impacts are minimized; 6) Minimal feasible interference is caused to special areas, as defined at N.J.A.C. 7:7-9; and 7) Pilings and columnar support or floating structures are unsuitable for engineering or environmental reasons.

The proposed project is a water-dependent project whose function cannot be accomplished at an alternate location. An analysis of alternatives evaluating various non-structural and structural measures was conducted and is discussed in the main report of the Feasibility Report/Environmental Assessment. The most practicable overall alternative plan that met the planning objectives, maximized socioeconomic benefits, and avoided or minimized environmental impacts has been selected. Mitigation to compensate for unavoidable habitat loss is discussed in Appendix A8 of the Feasibility Report/Environmental Assessment. Further evaluations to minimize impacts on environmental resources and avoid impacts on protected resources to the extent possible will occur in the Preconstruction Engineering Design Phase. As such, the proposed project is in compliance with this policy.

7:7-12:12 MOORING

This policy sets standards for mooring structures. A boat mooring is a temporary or permanently fixed or floating anchored facility in a water body for the purpose of attaching a boat.

The proposed project does not involve the installation of any mooring structures. Therefore, this policy not applicable.

7:7 12.13 SAND AND GRAVEL MINING

This policy sets standards for sand and gravel mining in water bodies. Sand and gravel mining is the removal of sand or gravel from the water bottom substrate, usually by suction dredge, for the purpose of using the sand or gravel at another location.

This policy is not applicable to the proposed project.

7:7-12.14 BRIDGES

This policy sets standards for the construction of bridges located within the CZM area.

This policy is not applicable as the proposed project does not involve the construction or modification of any bridges.

7:7 -12:15 SUBMERGED PIPELINES

This policy sets standards for Submerged pipelines (pipelines) are underwater pipelines which transmit liquids or gas, including crude oil, natural gas, water petroleum products or sewerage.

The levee/floodwall will be constructed over an existing natural gas pipeline. As a result, the modifications to the pipeline in the form of extending shutoff valves to outside the levee/floodwall footprint will be required. The proposed project will adhere to all standards within this policy for compliance.

7:7-12:16 OVERHEAD TRANSMISSION LINES

This policy sets standards for overhead transmission lines installed along or within water bodies.

There are not overhead transmission lines within the project area. Therefore, this policy is not applicable.

7:7-12:17 DAMS AND IMPOUNDMENTS

Dams and impoundments are structures that obstruct natural water flow patterns for the purpose of forming a contained volume of water. Impoundments include dikes with sluice gates and other structures to control the flow of water.

Dams and impoundments are conditionally acceptable in medium rivers, creeks, and streams provided: 1) The structures are essential for water supply purposes or for creation of special wildlife habitats; 2) Adverse impacts are minimized; and 3) The structures will not adversely affect navigation routes.

The proposed levee/floodwall is necessary to manage coastal storm risk within the Borough of Carteret and the Township of Woodbridge. The levee/floodwall will be designed to minimize impacts on environmental resources and avoid impacts on protected resources to the extent possible, and provide mitigation to compensate for unavoidable habitat loss. Additionally, the project will not adversely affect any navigation routes. As such, the proposed project is in compliance with this policy.

7:7-12:18 OUTFALLS AND INTAKES

This policy sets standards for the installation of outfalls and intakes within waterways. Outfalls and intakes are pipe openings that are located in water areas for the purpose of intake of water or discharge of effluent including sewage, stormwater and industrial effluents.

7:7-12.19 REALIGNMENT OF WATER AREAS

Realignment of water areas means the physical alteration or relocation of the surface configuration of any water area.

Approximately 200 linear feet of Casey's Creek will be modified as a result of the construction of the levee/floodwall and installation of the drainage structure. A flap gate will be installed to maintain normal flows of the creek. In addition, impacts to the creek will be compensated for through on-site mitigation. Refer to Appendix A8 for further discussions on mitigation. Additionally, surface water quality will be temporarily impacted during construction because of increased suspended sediments in the water column. However, implementation of soil erosion and sediment control measures will minimize any adverse impacts.

7:7-12.20 VERTICAL WAKE OR WAVE ATTENUATION STRUCTURES

Vertical wake or wave attenuation structures are structures designed to protect boat moorings, including those at marinas, by intercepting wakes or waves and reducing the wake or wave energy

which would normally impact the adjacent boat mooring areas. Typically, timber, metal, or vinyl wake or wave attenuation structures are designed and utilized to protect boat moorings. For the purposes of this section, a vertical wake or wave attenuation structure does not include a breakwater constructed of concrete or rubble mound. Breakwaters designed to protect shoreline areas shall comply with the filling rule, N.J.A.C. 7:7-12.11, and the coastal engineering rule at N.J.A.C. 7:7-15.11.

The proposed project does not involve the construction of any structures defined above. Therefore this policy is not applicable.

7:7-21 SUBMERGED CABLES

This policy sets standards for the construction of submerged cables such as underwater telecommunication cables, and all associated structures in the water such as repeaters.

The proposed project does not involve the installation of submerged cables and is therefore not applicable.

7:7-12.22 ARTIFICIAL REEFS

This policy sets standards for the construction of artificial reefs. Artificial reefs are man-made structures intended to simulate the characteristics and functions of natural reefs created by placing hard structures on the sea-floor for the purpose of enhancing fish habitat and/or fisheries. In time, an artificial reef will attain many of the biological and ecological attributes of a natural reef. Artificial reefs do not include shore protection structures, pipelines, fish aggregating devices, and other structures not constructed for the sole purpose of fish habitat.

The proposed project does not involve the creation of artificial reefs and is therefore not applicable.

7:7-12.23 LIVING SHORELINES

This policy sets to standards to the creation of living shorelines. Living shorelines are a shoreline management practice that addresses the loss of vegetated shorelines and habitat in the littoral zone by providing for the protection, restoration or enhancement of these habitats. This is accomplished through the strategic placement of vegetation, sand or other structural and organic materials.

The proposed project does not involve the creation of living shorelines and is therefore not applicable.

SUBCHAPTER 13 – REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND USE AREAS AND CERTAIN SPECIAL AREAS

This policy sets forth requirements for impervious cover and vegetative cover on sites in the upland waterfront development area and CAFRA areas.

The proposed project is not located in an area designated as CAFRA nor is it located in an area that sets allowable limits for maximum allowable impervious cover. The implementation of nonstructural measures would remain within the existing footprint of the development and will abide by the applicable impervious cover limits and vegetative cover percentages as determined under N.J.A.C. 7:7E-5B.

Therefore, the proposed project is compatible with this policy.

SUBCHAPTER 14 – GENERAL LOCATION RULES

7:7-14.1 LOCATION OF LINEAR DEVELOPMENT

This policy sets conditions for acceptability of linear development (e.g., roads, walkways, pipelines).

This policy is not applicable since there is no linear development associated with the proposed project.

7:7-14.2 BASIC LOCATION

This policy states that the NJDEP may reject or conditionally approve a project for safety, protection of certain property, or preservation of the environment.

The proposed project would involve protecting private and public property through the implementation of nonstructural measures and a levee/floodwall. The location of the coastal storm risk management measures are necessary to provide the necessary storm risk management to the surrounding community.

7:7-14.3 SECONDARY IMPACTS

This policy sets the requirements for secondary impact analysis from the effects of additional development likely to be constructed as a result of the approval of a particular proposal. Secondary impacts are the effects of additional development likely to be constructed as a result of the approval of a particular proposal. Secondary impacts can also include traffic increases, increased recreational demand and any other offsite impacts generated by onsite activities which affect the site and surrounding region.

This policy is not applicable because the proposed project would not involve additional development nor would induce additional development.

SUBCHAPTER 15- USE RULES

7:7-15.1 PURPOSE AND SCOPE: Use rules are rules and conditions applicable to particular kinds of development. In general, conditions contained in the use rules must be satisfied in addition to the location rules (N.J.A.C. 7:7-9 through 14), and the resource rules described in the following subchapter (N.J.A.C. 7:7-16).

7:7-15.2 HOUSING USE

This policy sets standards for housing construction in coastal areas.

The proposed project involves implementing nonstructural measures and a levee/floodwall to protect existing residential and business structures and does not include new construction or expansion of the existing footprint. The proposed project is compatible with this policy.

7:7-15.3 RESORT/RECREATIONAL USE

This policy sets standards for resort and recreational uses in the coastal area.

This policy is not applicable because the proposed project does not involve resort or recreational uses.

7:7-7.14 MARINA DEVELOPMENT

This policy sets standards for marina development in the coastal area.

This policy is not applicable since the proposed project does not include marina development.

7:7-7.15 ENERGY FACILITY USE

This policy sets standards for energy uses in coastal areas.

This policy is not applicable because the proposed project does not involve new construction that would require long-term energy use.

7:7-15.5 TRANSPORTATION USE

This policy sets standards for roads, public transportation, footpaths and parking facilities in coastal areas.

This policy is not applicable since the proposed project does not involve construction of roads, public transportation, footpaths and/or parking facilities.

7:7-15.6 PUBLIC FACILITY USE

This policy sets standards for public facilities (e.g., solid waste facilities) in coastal areas.

This policy is not applicable since the proposed project does not involve construction of a public facility.

7:7-15.7 INDUSTRY USE

This policy sets standards for industrial uses in coastal areas.

This policy is not applicable because the proposed project does not involve construction of industrial facilities.

7:7-15.8 MINING USE

This policy sets standards for mining in coastal areas.

This policy is not applicable because the proposed project does not involve mining.

7:7-15.9 PORT USE

This policy sets standards for port uses and port-related development.

This policy is not applicable because the proposed project does not involve port use or the construction of a port.

7:7-15.10 COMMERCIAL FACILITY USE

This policy sets standards for commercial facilities such as hotels, and other retail services in the coastal zone.

This policy is not applicable since the proposed project does not involve construction of commercial facilities.

7:7-15.11 COASTAL ENGINEERING

This policy sets standards to protect the shoreline, maintain dunes, and provide beach nourishment. Coastal engineering measures include a variety of non-structural, hybrid, and structural shore protection and storm damage reduction measures to manage water areas and protect the shoreline from the effects of erosion, storms, and sediment and sand movement. Beach nourishment, sand fences, pedestrian crossing of dunes, stabilization of dunes, dune restoration projects, dredged material management, living shorelines, and the construction of retaining structures such as bulkheads, gabions, revetments, and seawalls are all examples of coastal engineering measures.

The proposed project includes the construction of a levee/floodwall and nonstructural measures. Therefore, the Coastal Engineering Use Rule applies. The project will be designed to comply with the standards relevant to coastal engineering and provide maximum flood protection while minimizing impacts to natural resources and maintaining public access to the Rahway River. Therefore, the proposed project is in compliance with this rule.

7:7-15.12 DREDGED MATERIAL PLACEMENT ON LAND

This policy sets standards for disposal of dredged materials.

During construction, the contractor will be required to adhere to an Erosion and Sediment Control Plan and develop an Environmental Protection Plan to deal with any excavated material. In addition, any excavated material will be disposed of at a state approved facility. Therefore, the project is in compliance with this policy. This rule applies to the placement of dredged material landward of the spring high water line. The standards for dredged material disposal in water areas are found at N.J.A.C. 7:7-12.9. The future contractor will dispose of the sediments in a suitable authorized upland facility in accordance with NJDEP regulations.

7:7-15.13 NATIONAL DEFENSE FACILITIES USE

This policy sets standards for the location of defense facilities in the coastal zone.

This policy is not applicable since the proposed project does not involve national defense facilities.

7:7-15.14 HIGH RISE STRUCTURES

This policy sets standards for high rise structures in the coastal zone.

This policy is not applicable because the proposed project does not involve high rise structures.

SUBCHAPTER 16 – RESOURCE RULES

7:7-16.1: PURPOSE AND SCOPE: This subchapter contains the standards the Department utilizes to analyze the proposed development in terms of its effects on various resources of the built and natural environment of the coastal zone, both at the proposed site as well as in its surrounding region.

7:7-16.2 MARINE FISH AND FISHERIES

This policy sets standards of acceptability so as to cause minimal feasible interference with the reproductive and migratory fish patterns of estuarine and marine species of finfish and shellfish.

The portion of the Rahway River in which the proposed levee/floodwall is located is designated as Essential Fish Habitat for eleven species. Depending on the results of optimization of the Tentatively Selected Plan, the levee/floodwall will be impacting between approximately 2.42 acres of tidal wetlands. In addition, the levee/floodwall will be extending across Casey's Creek, a tidal tributary to the Rahway River resulting in a modification to approximately 100 linear ft of tidal channel. Mitigation to compensate for the permanent impacts to tidal wetlands is currently being evaluated. A flap gate will be installed in the levee/floodwall to maintain flows to minimize impacts to aquatic resources within Casey's Creek. An Essential Fish Habitat Assessment indicating minor adverse impacts to EFH species is located in Appendix A-6. Therefore, the project is in compliance with this policy.

7:7-16.3 WATER QUALITY

This policy sets standards for coastal development to limit effects on water quality.

Short-term water quality impacts resulting from construction activities may occur and are anticipated to be localized to the vicinity of the footprint proposed levee/floodwall. Erosion and sediment control

best management practices will be implemented during construction to minimize impacts to water quality. No long-term impacts to the offshore or near-shore water quality are anticipated as a result of the proposed project.

7:7-16.4 SURFACE WATER USE

This policy sets standards for coastal development so as to limit effects on surface water.

Short-term water quality impacts resulting from construction activities are expected and are anticipated to be localized proximal to the footprint of the proposed levee/floodwall. Erosion and sediment control best management practices will be implemented during construction to minimize impacts to surface water. A tide gate will be implemented in the levee/floodwall drainage structure to maintain flow of Casey's Creek.

7:7-16.5 GROUNDWATER USE

This policy sets standards for coastal development so as to limit effects on groundwater supplies.

This policy is not applicable because the proposed project does not involve or effect future use of groundwater supplies.

7:7-16.6 STORMWATER MANAGEMENT

This policy sets standards for coastal development so as to limit effects of storm-water runoff.

The proposed project would not involve or effect future storm-water management.

7:7-16.7 VEGETATION

This policy sets standards for coastal development while protecting native vegetation. Vegetation is the plant life or total plant cover that is found on a specific area, whether indigenous or introduced by humans. Coastal development shall preserve, to the maximum extent practicable, existing vegetation within a development site. Coastal development shall plant new vegetation, particularly appropriate native coastal species to the maximum extent practicable.

Construction of the proposed levee/floodwall, and to a lesser degree, the nonstructural measures will result in temporary and permanent disturbance of vegetation. Per Corps policy, a 15-foot vegetation free zone (maintained lawn only) is required on either side of the levee/floodwall. Existing vegetation will be preserved to the maximum extent practicable. Most of the area within the project footprint has undergone prior disturbance. Invasive and nuisance species and monocultures of common reed are common within the footprint of the levee/floodwall. Following construction, impacted areas would be stabilized and revegetated. Per Corps and state policy all vegetation replanted will be native to New Jersey. Refer to Appendix A8 of the Feasibility Report/Environmental Assessment for a full description of mitigation.

7:7-16.8 AIR QUALITY

This policy sets standards for coastal development with requirements that projects must meet applicable air quality standards.

Emissions to construct the proposed project do not exceed threshold levels for any emission variable. As a result, a Clean Air Act "Record of Non-Applicability" has been prepared. The proposed project is consistent with this policy since it is not anticipated to increase air emissions above existing levels.

7:7-16.9 PUBLIC ACCESS

This policy 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 levee component of the levee/floodwall system is located within Joseph Medwick Memorial Park, a Middlesex County owned and operated park. The park does not offer direct waterfront access (e.g. canoe launch), however, a walking trail parallels the Rahway River and associated tidal wetland complex, and a wildlife observation deck is located off of the walking trail. The proposed levee footprint is located on the footpath. A footpath will be installed on the top of the levee to maintain a walking trail. The existing wildlife observation deck will need to be removed during construction, but will be replaced after construction. Ramps along the levee to provide access to the wildlife observation deck will be evaluated during the Preconstruction Engineering Design Phase. Therefore, the proposed project is consistent with this policy. This policy does not apply to the portion of the levee/floodwall that is located on private property.

7:7-16.10 SCENIC RESOURCES AND DESIGN

This policy sets standards that new coastal development be visually compatible with its surroundings.

There will be a change in the scenery for approximately seven homes where the levee/floodwall will obstruct the view of Rahway River. However, the project is necessary to protect these homes from coastal storms. A footpath will be installed on top of the levee/floodwall to allow park patrons to view the Rahway River and associated wetlands. Therefore the proposed project is consistent with this policy.

7:7-16.11 BUFFERS AND COMPATIBILITY OF USES

This policy sets standards for adequate buffers between compatible land uses. Buffers are natural or man-made areas, structures, or objects that serve to separate distinct uses or areas. Compatibility of uses is the ability for uses to exist together without aesthetic or functional conflicts.

The proposed project is intended to protect surrounding land uses which includes parkland and park facilities, and residential and business structures from coastal storm damage. The proposed levee/floodwall will be stabilized with grass to maintain aesthetics and a footpath will be included on the top of the levee/floodwall to maintain the walking trail for park patrons using Joseph Medwick Memorial Park. Therefore, the proposed project is consistent with this policy.

7:7-16.12 TRAFFIC

This policy sets standards that restrict coastal development that would disturb traffic systems.

The proposed project would make every effort possible to mitigate temporary impacts on traffic during construction. The proposed project would have no permanent effects on traffic and therefore is consistent with this policy.

7:7-16.13 SUBSURFACE SEWAGE DISPOSAL SYSTEMS

This policy sets standards for subsurface sewage disposal systems in the coastal zone.

This policy is not applicable because the proposed project does not involve sewage disposal or the development of a subsurface sewage disposal system.

7:7-16.14 SOLID AND HAZARDOUS WASTE

This policy sets standards for handling and disposal of solid and hazardous waste.

This policy is not applicable because the proposed project does not involve solid and hazardous waste. The construction contractor will be required to develop an Environmental Protection Plan that details the prevention of accidental discharge of any solid waste during construction.