

land disturbance would be more than five acres, the Project requires preparation of an NJDEP EO 215 EIS. Preparation of an EIS pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) was not required; therefore, the EIS prepared was not done so in accordance with the NEPA review process. **Freshwater Wetlands Permit**

The New Jersey Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) govern activities within freshwater wetlands, transition areas, and/or State open waters (SOWs). The Project would result in unavoidable impacts to freshwater wetlands, freshwater wetland transition areas, and SOWs; therefore, a Freshwater Wetland permit would be required.

**Flood Hazard Area Permit**

The New Jersey Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) govern activities within flood hazard areas and the 100-year floodplain. The objective of these rules is to minimize potential damage to public or private property, to protect and enhance the public's health and welfare by minimizing the degradation of water quality from point and non-point sources discharging into the flood hazard area, and to protect wildlife and fisheries by preserving and enhancing water quality and the environment associated with the floodplains. A Flood Hazard Area Permit is required for the construction, installation or alteration of any structure or permanent fill along, in, or across, the channel or floodplain of any watercourse. This permit is also required for any alteration of, or discharge into the watercourse itself. The Proposed Project will impact a regulated stream and its associated riparian zone; therefore, a Flood Hazard Area Permit will be required.

**New Jersey Pollutant Discharge Elimination System (NJPDES) General Permit 5G3 for Construction Activity Stormwater**

A stormwater construction general permit is required under the NJDEP NJPDES program. This authorization applies to point source stormwater discharges from construction activities (e.g., clearing, grading, excavating) that disturb one acre or more. The Proposed Project would disturb more than one acre of land; therefore, a stormwater construction general permit would be required.

**Stormwater Management Approval**

If a project or activity meets the definition of a "major development", then the project or activity shall comply with the Stormwater Management Rules (N.J.A.C. 7:8). "Major development" means any development that provides for disturbing one or more acres of land, creating one-quarter acre or more of regulated impervious surface, creating one-quarter acre or more of regulated motor vehicle surface, or the creation of a combination of impervious surface and regulated motor vehicle surface that totals an area of one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or motor vehicle surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development", but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, are also considered "major development". As the Proposed Project would result in the disturbance of more than one acre of land and would create new impervious surfaces of one-quarter acre or more, the project must comply with the Stormwater Management Rules.

**Freehold Soil Conservation District Soil Erosion and Sediment Control (SESC) Plan Certification** Approval of development by all public agencies is conditioned upon approval of a plan for SESC. Certification is required for any activity that disturbs more than 5,000 square feet of surface area of land. Certification is also required for demolition of structures, construction of parking lots, public facilities, operation of mining or quarrying activities, and for clearing or grading of land for other than agricultural or horticultural purposes. Public facility means any building, pipeline, highway, electricity, telephone, or other transmission line; or any other structure to be constructed by a public utility, municipality, county, or State, or any agency or instrumentality thereof. The Proposed Project would disturb more than 5,000 square feet of surface area of land; therefore, an SESC plan certification would be required.

**All of this information can inform the federal requirements and can be included as EA references and to provide technical support.**

<b>B. MANDATORY CRITERIA</b> If your FLP proposal is approved, would it...	Yes	No	Maybe (need more data)
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		X	

**Explain:** An environmental justice analysis consistent with Federal guidance was conducted to determine whether disproportionately high and adverse effect on low income or minority populations would result from implementation of the Project. For the purposes of this analysis, the study area is defined as those census blocks that are located within the study area used to determine impacts associated with air quality, noise, and traffic. All group blocks within the study area met the criteria designations for both the 1997 CEQ guidelines, as three census blocks contained populations in which minority populations exceed 50 percent of the population, and one census block contained over 50 percent of families who identify themselves as living below the poverty line.