



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Edward D. Greenberg, Esq.
GKG Law, P.C.
The Foundry Building
1055 Thomas Jefferson Street NW
Suite 500
Washington, DC 20007

January 23, 2020

Re: Federal Consistency Jurisdiction Determination
DLUR File No.: 0602-19-0006.1
Activity Number: CDT190001
Applicant: Winchester and Western Railroad Company
Commercial Township, Cumberland County

Dear Mr. Greenberg:

This letter is in response to your request for a jurisdictional determination for the proposed abandonment of approximately 0.5 miles of existing railroad, between mileposts 16.2 to 16.7, near Dividing Creek Road in Commercial Township within the CAFRA regulatory area. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et. seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), and Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et seq.).

Based on a review of the information submitted and a review of information as maintained on the Department's Geographic Information System the following determination is made:

Based on a review of the Coastal Zone Management rules (N.J.A.C. 7:7-1.1 et seq.), the following determination is made:

(X) A Waterfront Development permit is not required, no work is proposed at or below (outshore of) a mean high-water line, or within 500' landward of a mean high water line.

() A Waterfront Development Permit will be required because:

- ☐ Work will be performed at or below (outshore) the Mean High Water Line.
- ☐ Work will be performed within 100/500 feet of the MHWL outside the coastal area.

Based on a review of the Coastal Zone Management rules (N.J.A.C. 7:7-1.1 et seq.), the following determination is made:

(X) A CAFRA permit is not required, no regulated activities are proposed within the CAFRA zone.

() A CAFRA permit is required.

Based on a review of the Coastal Wetlands Maps, the following determination is made:

() Coastal Wetlands permit is required. Coastal Wetlands are mapped on this site. Activity is proposed at or below the Upper Wetlands Boundary.

(X) Coastal Wetlands permit is not required. Based on a review of the Coastal Wetlands Maps it is determined that there are not mapped wetlands on the site.

() Coastal Wetlands permit is not required. Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary.

This letter does not constitute a jurisdictional determination for the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A and the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-1.1 et seq. For assistance with the applicability of these statutes you are advised to contact the Division's Technical Support Center at (609)777-0454.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change. The project may be presumed to be consistent with New Jersey's Coastal Zone Management Program.

Please contact Kara Turner of our staff by e-mail at Kara.Turner@dep.nj.gov or (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Manager
Bureau of Coastal Regulation
Division of Land Use Regulation

C: Twp Construction Official
Kim Springer, OPI