

CHAPTER 7

COASTAL ZONE MANAGEMENT RULES

Authority

N.J.S.A. 12:3-1 et seq., 12:5-3, 13:1D-1 et seq., 13:1D-9 et seq., 13:1D-29 et seq., 13:9A-1 et seq., and 13:19-1 et seq.

Source and Effective Date

Effective: November 14, 2014.  
See: 46 N.J.R. 2405(c).

Chapter Expiration Date

Chapter 7, Coastal Permit Program Rules, expires on November 14, 2021.

Chapter Historical Note

Chapter 7, Bureau of Marine Lands Management, Subchapter 1, Riparian Grants and Leases, was adopted and became effective prior to September 1, 1969.

Subchapter 1, Riparian Grants and Leases, was repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

Subchapter 2, Waterfront Development Permits, was adopted as R.1980 d.375, effective September 26, 1980. See: 12 N.J.R. 252(a), 12 N.J.R. 576(a).

Subchapter 2, Waterfront Development Permits, was repealed and Chapter 7, Coastal Permit Program Rules, was adopted as new rules by R.1984 d.164, effective May 7, 1984. See: 15 N.J.R. 2090(a), 16 N.J.R. 1073(a).

Pursuant to Executive Order No. 66(1978), Chapter 7, Coastal Permit Program Rules, was readopted as R.1989 d.309, effective May 12, 1989, operative June 5, 1989. See: 21 N.J.R. 369(a), 21 N.J.R. 1526(a).

Public Notice: Notice of Routine Program Implementation. See: 25 N.J.R. 1010(a).

Pursuant to Executive Order No. 66(1978), Chapter 7, Coastal Permit Program Rules, was readopted as R.1994 d.276, effective May 10, 1994. See: 26 N.J.R. 917(a), 26 N.J.R. 2413(a).

Pursuant to Executive Order No. 66(1978), Chapter 7, Coastal Permit Program Rules, was readopted as R.1994 d.378, effective June 24, 1994, and Subchapter 7, General Permits and Permits-By-Rule, was adopted as R.1994 d.378, effective July 18, 1994. See: 26 N.J.R. 918(a), 26 N.J.R. 1561(a), 26 N.J.R. 2934(a).

Subchapter 8, Enforcement, was adopted as R.1994 d.413, effective August 1, 1994. See: 26 N.J.R. 1745(a), 26 N.J.R. 3188(a).

Notice of Routine Program Change. See: 30 N.J.R. 2087(a), 30 N.J.R. 2780(b), 30 N.J.R. 4284(a).

The Executive Order No. 66(1978) expiration date for Chapter 7, Coastal Permit Program Rules, was extended by gubernatorial directive from June 24, 1999 to June 24, 2000. See: 31 N.J.R. 1923(a).

Subchapter 9, Sector Permit, was adopted as R.2000 d.45, effective February 7, 2000. See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

The Executive Order No. 66(1978) expiration date for Chapter 7, Coastal Permit Program Rules, was extended by gubernatorial directive from June 24, 2000 to December 31, 2000. See: 32 N.J.R. 2591(b).

Pursuant to Executive Order No. 66(1978), Chapter 7, Coastal Permit Program Rules, was readopted as R.2000 d.428, effective September 22, 2000. See: 32 N.J.R. 864(a), 32 N.J.R. 3784(b).

Subchapter 10, Coastal Permit Application Fees, was adopted as new rules by R.2003 d.60, effective February 3, 2003. See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

Subchapter 9, Sector Permit, was repealed by R.2004 d.43, effective January 20, 2004. See: 35 N.J.R. 2801(a), 36 N.J.R. 442(a).

Chapter 7, Coastal Permit Program Rules, was readopted as R.2006 d.142, effective March 21, 2006. See: 37 N.J.R. 4108(a), 38 N.J.R. 1657(a).

Public Notice: Routine Program Changes for Coastal Management Program. See: 42 N.J.R. 2638(a).

Public Notice: Determination on Routine Program Changes for Coastal Management Program. See: 43 N.J.R. 681(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7, Coastal Permit Program Rules, was extended by gubernatorial directive from March 21, 2011 to December 15, 2012. See: 43 N.J.R. 961(a).

Public Notice: Routine Program Change for Coastal Management Program. See: 45 N.J.R. 2613(b).

Public Notice: Determination on Routine Program Change for Coastal Management Program. See: 46 N.J.R. 558(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 7, Coastal Permit Program Rules, was scheduled to expire on December 15, 2014. See: 43 N.J.R. 1203(a).

Chapter 7, Coastal Permit Program Rules, was readopted, effective November 14, 2014. See: Source and Effective Date.

Subchapter 10, Coastal Permit Application Fees, was repealed and Subchapter 10, Application Fees, was adopted as new rules by R.2015 d.023, effective February 2, 2015. See: 46 N.J.R. 1839(a), 47 N.J.R. 422(a).

Chapter 7, Coastal Permit Program Rules, was renamed Coastal Zone Management Rules by R.2015 d.108, effective July 6, 2015. As a part of R.2015 d.108, Subchapter 2, Activities for which a Permit is Required, was renamed Applicability and Activities for which a Permit is Required; Subchapter 3, Pre-Application Review, Subchapter 4, Permit Review Procedure, Subchapter 5, Procedures to Request an Adjudicatory Hearing to Contest a Permit Decision, and Subchapter 6, Information Requirements for Environmental Impact Statements and Compliance Statements, were repealed, and Subchapter 3, General Provisions for Permits-by-Rule, General Permits-by-Certification, and General Permits, Subchapter 4, Permits-by-Rule, Subchapter 5, General Permits-by-Certification, and Subchapter 6, General Permits, were adopted as new rules; former Subchapter 7, General Permits and Permits-by-Rule, was recodified to various sections and Subchapter 7, Long Branch Redevelopment Zone Permit, was adopted as new rules; Subchapter 8, Enforcement, was recodified as Subchapter 29; Subchapter 9, Special Areas, was recodified from N.J.A.C. 7:7E-3; Subchapter 10, Standards for Beach and Dune Activities, was recodified from N.J.A.C. 7:7E-3A; former Subchapter 10, Application Fees, was recodified as Subchapter 25; Subchapter 11, Standards for Conducting and Reporting the Results of an Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessment and/or Endangered or Threatened Wildlife or Plant Species Habitat Evaluation, was recodified from N.J.A.C. 7:7E-3C; Subchapter 12, General Water Areas, was recodified from N.J.A.C. 7:7E-4; Subchapter 13, Requirements for Impervious Cover and Vegetative Cover for General Land Areas and Certain Special Areas, was recodified from N.J.A.C. 7:7E-5; Subchapter 14, General Location Rules, was recodified from N.J.A.C. 7:7E-6; Subchapter 15; Use Rules, was recodified from N.J.A.C. 7:7E-7; Subchapter 16, Resource Rules, was recodified from N.J.A.C. 7:7E-8; and Subchapter 17, Mitigation, Subchapter 18, Conservation Restrictions, Subchapter 19, Relaxation of Procedures; Reconsideration of Application of Rules, Subchapter 20, Provisional Permits, Subchapter 21, Emergency Authorizations, Subchapter 22, Pre-Application Conferences, Subchapter 23, Application Requirements, Subchapter 24, Requirements for an Applicant to Provide

Public Notice of an Application, Subchapter 26, Application Review, Subchapter 27, Permit Conditions; Extension, Modification, Transfer, Suspension, and Termination of Authorizations and Permits, and Subchapter 28, Requests for Adjudicatory Hearings, were adopted as new rules, effective July 6, 2015. See: 46 N.J.R. 1051(a), 47 N.J.R. 1392(a).

Case Notes

Department of Environmental Protection (DEP) must make findings under the standards in the statute governing the issuance of permits for development in coastal zones, even if DEP finds that a Coastal Area Facility Review Act (CAFRA) permit application complies with its specific regulations. In the Matter of the Protest of Coastal Permit Program Rules, 807 A.2d 198, 354 N.J.Super. 293.

Department of Environmental Protection (DEP) was required to amend its implementing rules with respect to Coastal Area Facility Review Act (CAFRA) to set forth requirement that it make findings under standards set forth in CAFRA prior to issuing permit for development thereunder. In the Matter of the Protest of Coastal Permit Program Rules, 807 A.2d 198, 354 N.J.Super. 293.

Department of Environmental Protection (DEP) did not invalidate Coastal Zone management (CZM) rules by giving regulatory effect to state development and redevelopment plan by presuming that boundaries established by state planning commission would function as boundaries pursuant to Coastal Area Facility Review Act (CAFRA), and then by using those boundaries to establish impervious cover limits in CZM rules. In the Matter of the Protest of Coastal Permit Program Rules, 807 A.2d 198, 354 N.J.Super. 293.

Coastal zone management rules preempted township ordinance governing placement and length of docks. *Tumino v. Long Beach Township*, 319 N.J.Super. 514, 725 A.2d 1173 (N.J.Super.A.D. 1999).

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