

**CHAPTER 7A**  
**FRESHWATER WETLANDS**  
**PROTECTION ACT RULES**

**Authority**

N.J.S.A. 13:9B-1 et seq.

**Source and Effective Date**

R.2008 d.291, effective September 4, 2008.  
See: 39 N.J.R. 3587(a), 40 N.J.R. 5581(a).

**Chapter Expiration Date**

Chapter 7A, Freshwater Wetlands Protection Act Rules, expires on September 4, 2013.

**Chapter Historical Note**

Chapter 7A, Wetlands Management, was adopted as R.1972 d.68, effective April 13, 1972. See: 3 N.J.R. 255(a), 4 N.J.R. 96(d).

Chapter 7A, Wetlands Management, was repealed by R.1984 d.164, effective May 7, 1984 (operative June 1, 1984). See: 15 N.J.R. 2090(a), 16 N.J.R. 1073(a).

Chapter 7A, Freshwater Wetlands Protection Act Rules, was adopted as new rules by R.1988 d.267, effective June 6, 1988 (operative July 1, 1988). See: 19 N.J.R. 2330(a), 20 N.J.R. 1235(a).

Subchapter 16, Fees, and Subchapter 17, Civil Administrative Penalties and Requests for Adjudicatory Hearings, were adopted as R.1988 d.312, effective July 5, 1988. See: 20 N.J.R. 576(a), 20 N.J.R. 1553(a).

Subchapter 6, Transition Areas, and Subchapter 7, Transition Area Waivers, were adopted as new rules by R.1989 d.362, effective July 3, 1989. See: 21 N.J.R. 596(a), 21 N.J.R. 1858(a).

Petitions for Rulemaking. See: 21 N.J.R. 2675(b), 22 N.J.R. 253(a), 22 N.J.R. 1388(a).

Subchapter 4, General Standards for Granting an Open Water Fill Permit, was repealed by R.1992 d.117, effective March 16, 1992. See: 23 N.J.R. 338(a), 24 N.J.R. 975(b).

The Executive Order No. 66(1978) expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from June 6, 1993 to March 16, 1997. See: 24 N.J.R. 912(a).

The Executive Order No. 66(1978) expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from March 16, 1997 to March 16, 1998. See: 29 N.J.R. 1308(b).

The Executive Order No. 66(1978) expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from March 16, 1998 to March 16, 1999. See: 30 N.J.R. 1319(a).

The Executive Order No. 66(1978) expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from March 16, 1999 to March 16, 2000. See: 31 N.J.R. 871(b).

The Executive Order No. 66(1978) expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from March 16, 2000 to December 31, 2000. See: 32 N.J.R. 1252(a).

The Executive Order No. 66(1978) expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from December 31, 2000 to June 30, 2001. See: 33 N.J.R. 553(a).

The expiration date for Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from June 30, 2001 to August 7, 2001. See: 33 N.J.R. 2640(b).

Chapter 7A, Freshwater Wetlands Protection Act Rules, was re-adopted as R.2001 d.312, effective August 3, 2001. As a part of R.2001 d.312, effective September 4, 2001, N.J.A.C. 7:7A-2.2 was repealed, and N.J.A.C. 7:7A-2.3 was recodified as N.J.A.C. 7:7A-2.2; N.J.A.C. 7:7A-2.4 and 7:7A-2.5 were recodified as N.J.A.C. 7:7A-2.3 and 7:7A-2.4; Subchapter 3, General Standards for Granting Freshwater Wetlands and Open Water Fill Permits, was recodified as Subchapter 7, Individual Freshwater Wetlands and Open Water Fill Permits; Subchapter 3, Letters of Interpretation, was adopted as new rules; Subchapter 5, Emergency Permits, was recodified as Subchapter 8; Subchapter 6, Transition Areas, was recodified as N.J.A.C. 7:7A-2.5 through 7:7A-2.7 and existing N.J.A.C. 7:7A-2.7 through 7:7A-2.9 were recodified as N.J.A.C. 7:7A-2.8 through 7:7A-2.10; Subchapter 6, Transition Area Waivers, was adopted as new rules; Subchapter 7, Transition Area Waivers, was repealed; N.J.A.C. 7:7A-8.6 and 7:7A-8.7 were recodified as N.J.A.C. 7:7A-3.6; N.J.A.C. 7:7A-9.2 was recodified as Subchapter 5, Adopted General Permits; N.J.A.C. 7:7A-9.1, 7:7A-9.3 and 7:7A-9.4 were recodified as Subchapter 4, General Provisions for General Permits; N.J.A.C. 7:7A-9.23 was recodified as N.J.A.C. 7:7A-5.23; Subchapter 10, Pre-Application Conferences, was recodified as Subchapter 9; Subchapter 11, Application Procedure, was recodified as Subchapter 10, Application Contents and Procedure; N.J.A.C. 7:7A-11.3 and 7:7A-11.4 were recodified as N.J.A.C. 7:7A-10.10 and 7:7A-10.11; Subchapter 14, Mitigation, was repealed, and Subchapter 14, Changes to Issued Permits or Waivers, was adopted as new rules; Subchapter 15, Enforcement, was recodified as Subchapter 16; N.J.A.C. 7:7A-15.1 through 7:7A-15.5 were recodified as N.J.A.C. 7:7A-16.1 through 7:7A-16.5; N.J.A.C. 7:7A-15.6 and 7:7A-15.7 were recodified as N.J.A.C. 7:7A-16.13 and 7:7A-16.14; N.J.A.C. 7:7A-15.8 and N.J.A.C. 7:7A-15.9 were recodified as N.J.A.C. 7:7A-16.16 and 7:7A-16.17; N.J.A.C. 7:7A-15.10 was recodified as N.J.A.C. 7:7A-14.5; N.J.A.C. 7:7A-15.11 was recodified as N.J.A.C. 7:7A-16.18; Subchapter 15, Mitigation, was adopted as new rules; Subchapter 16, Fees, was recodified as Subchapter 11; N.J.A.C. 7:7A-16.1 was recodified as N.J.A.C. 7:7A-11.1; N.J.A.C. 7:7A-17.1 and 7:7A-17.3 were repealed; N.J.A.C. 7:7A-17.2 was recodified as N.J.A.C. 7:7A-16.8; N.J.A.C. 7:7A-17.4 through 7:7A-17.7 were recodified as N.J.A.C. 7:7A-16.9 through 7:7A-16.12; and N.J.A.C. 7:7A-17.8 and 7:7A-17.9 were recodified as N.J.A.C. 7:7A-16.6 and 7:7A-16.7. See: 32 N.J.R. 2693(a), 33 N.J.R. 3045(a).

Subchapter 17, Reconsideration by Department of Its Action or Inaction Concerning a Permit, was adopted as new rules by R.2003 d.44, effective January 21, 2003. See: 34 N.J.R. 2388(a), 35 N.J.R. 418(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from August 3, 2006 to August 3, 2007. See: 38 N.J.R. 3303(a).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 7A, Freshwater Wetlands Protection Act Rules, expires on January 30, 2008. See: 39 N.J.R. 3587(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7A, Freshwater Wetlands Protection Act Rules, was extended by gubernatorial directive from January 30, 2008 to September 4, 2008. See: 40 N.J.R. 620(a).

Chapter 7A, Freshwater Wetlands Protection Act Rules, was re-adopted as R.2008 d.291, effective September 4, 2008. See: Source and Effective Date. See, also, section annotations.

**Law Review and Journal Commentaries**

Freshwater Wetlands Protection: An Update. Lewis Goldshore, Marsha Wolf, 133 N.J.L.J. No. 14, S6 (1993).

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