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10. Camden County:

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11. Mercer County:

476-1980
476-1986
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483-1992
490-1974
490-1980
490-1986

Amended by R.1986 d.262, effective July 7, 1986.

N.J. STATE LIBRARY
P.O. BOX 520
TRENTON, NJ 08625-0520

See: 17 N.J.R. 1710(a), 18 N.J.R. 1374(a).

Added maps and amended maps in (c)3 Ocean County.

Amended by R.1986 d.349, effective August 18, 1986.

See: 18 N.J.R. 1026(a), 18 N.J.R. 1700(a).

Amended maps in (c)5.

Amended by R.1987 d.217, effective May 17, 1987.

See: 18 N.J.R. 2056(a), 19 N.J.R. 861(b).

Amended maps in (c)5 and (c)7.

Amended by R.1988 d.570, effective December 19, 1988.

See: 19 N.J.R. 2090(b), 20 N.J.R. 3135(b).

(c)9 Gloucester County had maps altered and added new maps.

Amended by R.1989 d.137 effective March 20, 1989.

See: 20 N.J.R. 349(b), 21 N.J.R. 750(b).

(c)8 Salem County maps altered: 266-1770, 266-1776, 273-1764, 273-1776, 294-1746, 294-1764, 315-1764, 329-1770, 329-1788.

Amended by 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).

Amended by R.1995 d.550, effective October 16, 1995.

See: 27 N.J.R. 1005(a), 27 N.J.R. 3976(a).

7:7-2.3 Waterfront development

(a) The waterfront area regulated under this subchapter is divided into three sections, and will vary in width in accordance with the following rules:

1. Within any part of the Hackensack Meadowland Development District delineated at N.J.S.A. 13:17-4.1, the area regulated by this section shall include any tidal waterway of this State and all lands lying thereunder, up to and including the mean high water line.

2. Within the "coastal area" defined by section 4 of CAFRA (N.J.S.A. 13:9-4), the regulated waterfront area shall include any tidal waterway of this State and all lands lying thereunder, up to and including the mean high water line.

3. In all other areas of the State (that is in those areas outside of the "coastal area" defined by CAFRA and outside of the Hackensack Meadowlands Development District), the regulated waterfront area shall include any tidal waterway of this State and all lands lying thereunder, up to and including the mean high water line, and an adjacent upland land areas extending landward of the mean high water line to the first paved public road, railroad or surveyable property line existing on September 26, 1980 generally parallel to the waterway, provided that the landward boundary of the upland area shall be no less than 100 feet and no more than 500 feet landward of the mean high water line.

(b) This subchapter shall apply to all man-made waterways and lagoons subject to tidal influence.

(c) The following development activities will require a permit in that portion of the waterfront area at or below (outshore of) the mean high water line:

1. The removal or deposition of sub-aqueous materials (for example, excavation, dredging or filling).

2. The construction or alteration of a dock (fixed or floating), wharf, pier (including covered or enclosed structures such as gazebos or sheds located on or above the decking of the dock, wharf or pier), bulkhead, breakwater,

groin, jetty, seawall, bridge, piling, boat lift, mooring dolphin, pipeline, cable, or other similar structure.

3. The mooring of a floating home for more than 10 consecutive days. Floating homes in use within the waters of this state prior to June 1, 1984 shall not require a permit. (See N.J.A.C. 7:7-2.1(b) for definition of floating home.)

4. The installation of temporary aids to navigation by any person, if they remain in place for more than 10 consecutive days.

(d) A permit shall be required for the construction, reconstruction, alteration, expansion or enlargement of any structure, or for the excavation or filling of any area, any portion of which is in the waterfront area as defined in (a) above, with the exceptions listed below:

1. In the waterfront area defined in (a)3 above, the construction, alteration, expansion or reconstruction of an individual single family dwelling unit or addition to such unit, if constructed more than 100 feet landward of the mean high water line;

2. In the waterfront area defined in (a)3 above, the reconstruction, conversion, alteration or enlargement of any existing structure located more than 100 feet landward of the mean high water line, provided that no change in land use results, and that enlargements do not exceed 5,000 square feet;

3. In the waterfront area defined in (a)3 above, minor additions to or changes in existing structures or manufacturing operations that do not result in adverse environmental impacts to Special Areas defined at N.J.A.C. 7:7E-3, provided the additions is located in an existing cleared area of the site, and is set back a minimum of 15 feet landward of the mean high water line, where such changes or additions do not result in a change in the present land use of the site;

4. The repair, replacement, renovation, or reconstruction, in the same location and size of the preexisting structure, of any legally existing dock, wharf, pier, bulkhead or building that appears on the applicable Tidelands Map adopted by the Tidelands Resource Council (base map photography dated 1977/1978) or that appears on the applicable New Jersey Coastal Wetlands maps promulgated by the Department pursuant to the Wetlands Act of 1970 (base map photography dated 1971, 1972) or that received a Waterfront Development permit subsequent to the date of the photograph provided that the repair, replacement, renovation, or reconstruction, in the same location and size of the preexisting structure, and does not increase the size of the structure and the structure is used solely for residential purposes or for the docking of or servicing of pleasure vessels;

5. The repair, replacement, renovation, or reconstruction, in the same location and size of the preexisting structure, of any legally existing floating dock, mooring raft or similar temporary or seasonal improvement or structure that appears on the applicable Tidelands Map adopted by the Tidelands Resource Council (base map photography dated 1977/1978), or that appears on the applicable New Jersey Coastal Wetlands photographs promulgated by the Department pursuant to the Wetlands Act of 1970 (base map photography dated 1971, 1972), or received a Waterfront Development permit subsequent to the date of the photograph provided that the repair, replacement, renovation, or reconstruction is in the same location and size of the preexisting structure, and does not exceed in length the waterfront frontage of the parcel of real property to which it is attached and is used solely for the docking of servicing of pleasure vessels; and

6. The redecking and replacement of bridge surfaces provided there is no change in width, length or height.

(e) Those portions of a dock or pier proposed to be constructed landward of the mean high water line and in the coastal zone may be subject to the permit-by-rule at N.J.A.C. 7:7-7.2(a)5 and 6.

(f) Any person proposing to undertake or cause to be undertaken any development or activity in or near the waterfront area may request in writing a determination that the proposal is not subject to the requirements of this subchapter on the basis that the proposed development site is located outside the waterfront area, or that the proposed development does not require a permit under (d) above.

1. The requesting party shall provide the Department with two copies of a map depicting the project site in a scale of not less than 1:2,400 (one inch equals 200 feet) and depicting the mean high water line, and with a project description. When the applicability determination request is based on a proposed facility's location in accordance with (a)3 above, the map shall also depict that property line as it is depicted on the official local tax map as of September 26, 1980, and shall graphically depict the proposed project.

(g) A Waterfront Development permit is required for the filling of any lands formerly flowed by the tide, if any filling took place after 1914 without the issuance of a tidelands instrument by the Department of Environmental Protection and Tidelands Resource Council or their predecessor agencies, even where such lands extend beyond the landward boundary of the upland area defined in (a)3 above, or up to and including the mean high water line in the areas defined in (a)1 and (2) above.

1. A Waterfront Development permit application submitted under this subsection must be submitted in conjunction with an application for a tidelands instrument.

(h) A Waterfront Development permit shall not be required for any development or activity in the upland area defined in (a)3 above and in manmade waterways and lagoons for which on-site construction, excluding site preparation, was in progress on or prior to September 26, 1980. For the purpose of this section, "construction, excluding site preparation" does not include clearing vegetation, bringing construction materials to the site, site grading or other earth work associated with preparing a site for construction or structures. For the purposes of this section, "construction, excluding site preparation" does encompass improvements which include, but are not limited to, paved roads, curbs, and storm drains.

1. Any person who believes that a proposed development is exempt from the requirements of this subchapter due to on-site construction may request in writing a determination of exemption from the Department in accordance with (g)2 below.

2. Exemptions shall be applied for and considered upon submission of information sufficient for the Department to determine that the physical work specified in (g)1 above necessary to begin the construction of the proposed development, was actually performed prior to September 26, 1980 in the area defined in (a)3 above.

i. Any lapse in construction activity of more than one year may be cause for denial of an exemption request, or where previously exempted, it may be cause for revocation of such exemption, by the Department.

ii. A finding that a proposed development is exempt from the requirements of this subchapter shall apply only to the development as conceived and designed prior to September 26, 1980. Any modification which expands or substantially changes the exempted development shall require a permit.

Amended by R.1987 d.217, effective May 18, 1987.

See: 18 N.J.R. 2056(a), 19 N.J.R. 861(b).

Substantially amended.

Emergency amendment, R.1988 d.518, effective October 14, 1988 (expired December 3, 1988).

See: 20 N.J.R. 2815(a).

Development of waterfront area within the "coastal area" added.

Adopted concurrent proposal R.1989 d.8, effective January 3, 1989.

See: 20 N.J.R. 2815(a), 21 N.J.R. 34(a).

Provisions of emergency amendment R.1988 d.518 readopted without change.

Amended by R.1989 d.243, effective May 1, 1989.

See: 21 N.J.R. 4(a), 21 N.J.R. 1141(a).

Limited inland scope of regulated area to 1000 feet; exempted shore protection structures in the 1,500-foot expansion exception calculation; in (d) excepted single-family residential dwelling units for which municipal permits and approvals had been obtained before October 3, 1988 and in (g) further defined "construction, excluding site preparation" and "in progress".

Emergency amendment R.1990 d.403, effective July 17, 1990 (expired September 15, 1990).

See: 22 N.J.R. 2361(a).

Definition of waterfront, types of development requiring permits, and permitting process for development amended to comply with N.J. Supreme Court decision in *Last Chance Development Partnership v. Thomas H. Kean* (Dkt. No. A-102, decided June 20, 1990).

Adopted concurrent proposal R.1990 d.503, effective September 14, 1990.

See: 22 N.J.R. 2361(a), 22 N.J.R. 3222(a).

Provisions of emergency amendment R.1990 d.403 readopted without change.

Administrative Correction: Added (a)3.

See: 23 N.J.R. 60(b).

INVALIDITY ANNOTATION: See 23 N.J.R. 406(b).

N.J.A.C. 7:7-2.3(a)2, as amended effective September 14, 1990 (see 22 N.J.R. 2361(a) and 3222(a)), held invalid. *Long Beach Township Oceanfront Property Owners Association v. New Jersey Department of Environmental Protection, et al.*, 245 N.J.Super. 143, Dkt. Nos. A-6697-89T2 and A-783-90T2 (App. Div. December 26, 1990).

Amended by 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).

Amended by R.1995 d.550, effective October 16, 1995.

See: 27 N.J.R. 1005(a), 27 N.J.R. 3976(a).

Amended by R.2000 d.428, effective October 16, 2000.

See: 32 N.J.R. 864(a), 32 N.J.R. 3784(b).

Rewrote the section.

Case Notes

Amendments to waterfront development rules extending permit requirement to previously exempt properties were invalid. *Long Beach Tp. Oceanfront Property Owners Ass'n v. New Jersey Dept. of Environmental Protection*, 245 N.J.Super. 143, 584 A.2d 820 (A.D.1990).

Department of Environmental Protection's asserted jurisdiction over development in upland areas of a coastal region exceeded its statutory authority. *Last Chance Development Partnership v. Kean*, 119 N.J. 425, 575 A.2d 427 (1990).

Department of Environmental Protection did not have jurisdiction over development in upland areas of a coastal region. *Last Chance Development Partnership v. Kean*, 232 N.J.Super. 115, 556 A.2d 796 (A.D.1989) certification granted 117 N.J. 135, 564 A.2d 860, affirmed 119 N.J. 425, 575 A.2d 427.

Department of Environmental Protection's asserted jurisdiction over development in upland areas of a coastal region was preempted by a Coastal Area Facility Review Act exemption. *Last Chance Development Partnership v. Kean*, 232 N.J.Super. 115, 556 A.2d 796 (A.D.1989) certification granted 117 N.J. 135, 564 A.2d 860, affirmed 119 N.J. 425, 575 A.2d 427.

Dredging without a permit so as to cause loss of bay's benefits to people and wildlife was violation warranting fine. *Department of Environmental Protection v. Gallagher*, 95 N.J.A.R.2d (EPE) 28.

Issuance of waterfront development permit did not endanger navigation to adjoining bulkhead and dock. *Misiak v. Walker*, 95 N.J.A.R.2d (EPE) 14.

Waterfront Development Law; construction of floating dock and registering it as vessel. *Department of Environmental Protection v. Grossman*, 94 N.J.A.R.2d (EPE) 236.

to provide guidance and does not constitute a commitment to approve or deny a permit application for the development.

Amended by 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).

Amended by R.2003 d.60, effective February 3, 2003.

See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

Designated the section as (a) and inserted a second sentence beginning with "Pre-application meetings".

7:7-3.2 Request for a pre-application review

(a) Potential applicants for major projects, other than the installation of submarine cables in the Atlantic Ocean, are encouraged to request a preapplication review with the Department at the earliest opportunity. A request for a preapplication review shall be made in writing and shall include a conceptual proposal for the proposed development.

1. The conceptual proposal shall include:

i. A written description of the site and the proposed development including the dimensions, number, and uses of proposed structures;

ii. Maps indicating the site's location and rough internal plan of development; and

iii. A tax lot and block designation of the site and a United States Geological Survey quadrangle map or county road map showing the site.

(b) Potential applicants for the installation of submarine cables in the Atlantic Ocean shall schedule the pre-application review early in the design process. A request for a pre-application review shall be made in writing and include a written description of the proposed project along with a National Oceanic and Atmospheric Administration (NOAA) nautical chart depicting potential cable routes in relationship to existing cable routes. All pre-application review requests for the installation of submarine cables shall be submitted to the Manager of the Department's Bureau of Coastal Regulation, PO Box 439, Trenton, New Jersey, 08625-0439.

(c) The Department shall, within 10 days of receipt of such request, schedule a preapplication conference. Alternatively, the Department may suggest a telephone conversation if only a small number of relatively straightforward issues need discussion. A preapplication review will not be considered a declaration of intent to submit an application to the Department.

(d) For pre-application conferences involving the installation of submarine cables in the Atlantic Ocean, written notice of the pre-application meeting shall be provided by the potential applicant to the organizations listed at (d)1 through 7 below, a minimum of 15 days prior to the date of the scheduled meeting. The written notice shall include the date, time and location of the pre-application meeting and a

SUBCHAPTER 3. PRE-APPLICATION REVIEW

7:7-3.1 Purpose

(a) A preapplication review is an optional service especially recommended for major development. Pre-application meetings are, however, mandatory for coastal permit applications involving the installation of submarine cables in the Atlantic Ocean. At this review the Department will discuss apparent strengths and weaknesses of the proposed development, as well as the procedures and policies that would apply to the particular development. The review is intended

copy of the applicable NOAA nautical chart depicting the proposed cable route.

1. Garden State Seafood Association;
2. National Fisheries Institute;
3. North Atlantic Clam Association,
4. Rutgers Cooperative Extension;
5. New Jersey Shellfisheries Council;
6. New Jersey Marine Fisheries Council; and
7. Commercial Fishing Communications Association.

Amended by R.1987 d.217, effective May 18, 1987.

See: 18 N.J.R. 2056(a), 19 N.J.R. 861(b).

Added text "and shall include . . . showing the site".

Amended by 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).

Amended by R.2003 d.60, effective February 3, 2003.

See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

In (a), inserted "other than the installation of submarine cables in the Atlantic Ocean," following "Potential applicants for major projects"; recodified existing (b) as (c); added new (b) and (d).

7:7-3.3 Discussion of information requirements

(a) The Department shall discuss the information, including the level of detail and areas of emphasis, which must be included in a permit application for the proposed development to allow the Department to review the application if one is submitted. This does not preclude the Department from requesting additional information based upon review of the formal application submittal.

(b) The Department shall also make available to the potential applicant current information on nearby projects in the Department's files. This information may be incorporated, by reference, in the applicant's EIS if agreed to by the Department.

Recodified from 7:7-3.4 and amended by 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).

Prior text at 7:7-3.3, Conceptual proposal, repealed.

7:7-3.4 Memorandum of record

(a) After the pre-application review, the Department shall, upon request, prepare a written memorandum of record or policy compliance checklist summarizing the discussion of the proposed development, the apparent sensitivity of the land and water features of its site, and the level of detail and the areas of emphasis necessary in the information that would be required as part of an application.

(b) The memorandum of record shall be mailed to the potential applicant within 20 days of the pre-application review. If an application is submitted, a copy of the memorandum of record or policy compliance checklist shall be included.

(c) The memorandum of record shall not be construed as a decision of the Department and shall not have any binding effect on the final decision of the Department on any permit application.

Recodified from 7:7-3.5 and amended by 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 4. PERMIT REVIEW PROCEDURE

7:7-4.1 General

(a) The provisions of CAFRA, the Wetlands Act of 1970, and the Waterfront Development Law are supplemental to other laws, including the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq., P.L. 1975, Chapter 291). Early consultation with the Department by a prospective applicant can avoid unnecessary duplication and delay in development review at the state and local levels for the same development, if applications for proposed developments are processed at the same time at the State and local levels.

(b) Applicants for projects which require review or approval of a county-wide or area-wide planning agency or development, transportation or improvement authority shall consult with that agency on a regular basis to insure that the project and any changes to it are acceptable.

(c) The 90 Day Construction Permit Law (N.J.S.A. 13:1D-29 et seq.) establishes certain uniform permit review requirements for five types of construction permits issued by the Department, including CAFRA, Wetlands Act of 1970 and Waterfront Development permits. This chapter incorporates and is consistent with those requirements.

Amended by 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).

Amended by R.2003 d.60, effective February 3, 2003.

See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

In (c), deleted "and its implementing regulations (N.J.A.C. 7:1C)" following "(N.J.S.A. 13:1D-1.9 et seq.)".

Case Notes

Federal Clean Water Act and State Water-Front and Harbor Facilities Act were not intended to preempt municipality's authority to regulate land use within its borders. *Anfuso v. Seeley*, 243 N.J.Super. 349, 579 A.2d 817 (A.D.1990).

Municipality's zoning districts do not end at mean high water level where state-owned land begins and private property ends. *Anfuso v. Seeley*, 243 N.J.Super. 349, 579 A.2d 817 (A.D.1990).

Type B permit application hearing. *In re Triarch Corp.*, 139 N.J.Super. 514, 354 A.2d 652 (App.Div.1976).

7:7-4.2 Application contents

(a) Individual waterfront development, wetland and CAFRA permit application submissions shall comply with (a) through (f) below. Individual CAFRA permit applicants must also provide public notice in the newspaper of an application submission to the Department in accordance with N.J.A.C. 7:7-4.3, Newspaper notice of application submission and availability of application for examination by the public. The submission requirements for the coastal general permits are found at N.J.A.C. 7:7-7.3, Application procedure for a coastal general permit authorization.

New Rule, R.1995 d.550, effective October 16, 1995.
 See: 27 N.J.R. 1005(a), 27 N.J.R. 3976(a).
 Repeal and New Rule, R.2000 d.428, effective October 16, 2000.
 See: 32 N.J.R. 864(a), 32 N.J.R. 3784(b).

structures or taking place landward of the mean high water line or the identical structural replacement of piles or other supports in the same location.

(b) The application fee for any waterfront development taking place landward of the mean high water line shall be calculated as follows:

SUBCHAPTER 10. COASTAL PERMIT APPLICATION FEES

Authority

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

Source and Effective Date

R.2003 d.60, effective February 3, 2003.
 See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

7:7-10.1 Purpose and scope

(a) This subchapter sets forth the fees for all coastal permit applications.

1. The application fee for Waterfront Development permits is found at N.J.A.C. 7:7-10.2;
2. The application fee for Coastal Wetland permits is found at N.J.A.C. 7:7-10.3;
3. The application fee for CAFRA permits is found at N.J.A.C. 7:7-10.4;
4. The standards for assessing a single permit fee for a single project requiring multiple permits including Waterfront Development, Coastal Wetlands, CAFRA, Freshwater Wetlands or Stream Encroachment permits are found at N.J.A.C. 7:7-10.5; and
5. The fees for requesting a modification of a coastal permit are found at N.J.A.C. 7:7-10.6.

(b) For the purposes of this subchapter, the term "construction cost" means the project cost, not including financing or insurance charges, of that portion of a project which is subject to review for a permit pursuant to CAFRA, the Waterfront Development Law or Wetlands Act of 1970.

(c) Any fee required under this chapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

7:7-10.2 Application fees for Waterfront Development permits

(a) The application fee for each of the following developments shall be \$250.00:

1. Any development requiring a coastal general permit pursuant to N.J.A.C. 7:7-7; or
2. Any development consisting solely of capital repairs or reconstruction with all work taking place above the mean high water elevation on piles or other support

1. The fee for a residential development consisting of one or two dwelling units, as defined at N.J.A.C. 7:7-1.3, shall be \$500.00 per unit. The fee for a residential development consisting of a single duplex shall be \$500.00.

2. The fee for all other residential developments shall be \$3,000 plus:

- i. \$50.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for the first 300 units;
- ii. \$40.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for units 301 to 600; and
- iii. \$30.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for all units in excess of 600.

3. The fee for non-residential developments shall be calculated based on the following schedule:

Construction Cost	Fees
\$0 to \$50,000	\$1,450 + ½ of one percent of construction costs
\$50,001 to \$100,000	\$1,700 + one percent of construction costs above \$50,000
\$100,001 to \$200,000	\$2,200 + 1¼ percent of construction costs above 100,000
\$200,001 to \$350,000	\$3,450 + 1½ percent of construction costs above \$200,000
Greater than \$350,000	\$5,700 + one percent of construction costs above \$350,000

i. The fee payable at the time of application shall not exceed \$30,000. If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit. If such costs exceed \$30,000, the applicant shall pay a supplemental fee to cover such costs. The Department shall provide the applicant with documentation of such costs when a supplemental fee is charged.

4. The fee for mixed residential and non-residential development shall be the sum of the residential and non-residential development fee as calculated under (b)1 or 2 and 3 above.

(c) The application fee for all other waterfront developments taking place waterward of the mean high water line shall be as follows:

1. The fee for residential site improvements for a single private residential unit or duplex, including, but not limited to: shore structures (bulkheads, revetments and gabions) piers and docks, walkways and activities associated with a single private residential unit or duplex, shall be

\$250.00 plus one-half of one percent of the construction cost above \$10,000.

2. The fee for all other activities requiring a waterfront development permit shall be based on the following schedule:

Construction Cost	Fees
\$0 to \$50,000	\$1,450 + ½ of one percent of construction costs
\$50,001 to \$100,000	\$1,700 + one percent of construction costs above \$50,000
\$100,001 to \$200,000	\$2,200 + 1¼ percent of construction costs above 100,000
\$200,001 to \$350,000	\$3,450 + 1½ percent of construction costs above \$200,000
Greater than \$350,000	\$5,700 + one percent of construction costs above \$350,000

i. The fee payable at the time of application shall not exceed \$30,000. If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit. If such costs exceed \$30,000, the applicant shall pay a supplemental fee to cover such costs. The Department shall provide the applicant with documentation of such costs when a supplemental fee is charged.

7:7-10.3 Application fees for Coastal Wetland permits

(a) The application fee for a Wetlands Act of 1970 permit ("Coastal Wetlands permit") shall be one percent of the construction costs, or a minimum of \$250.00 for residential dock construction associated with a single family or duplex dwelling unit, and a minimum of \$500.00 for all other regulated developments.

(b) The application fee for review of a coastal general permit application pursuant to N.J.A.C. 7:7 shall be \$250.00.

7:7-10.4 Application fees for CAFRA permits

(a) The application fee for residential developments requiring a CAFRA permit shall be calculated as follows:

1. The fee for a residential development consisting of one or two dwelling units, as defined at N.J.A.C. 7:7-1.3, shall be \$500.00 per unit. The fee for a residential development consisting of a single duplex shall be \$500.00.

2. The fee for all other residential developments shall be \$3,000 plus:

- i. \$50.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for the first 300 units;
- ii. \$40.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for units 301 to 600; and
- iii. \$30.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for all units in excess of 600.

(b) The fee for non-residential developments requiring a CAFRA permit shall be calculated as follows:

1. The fee for commercial, public or industrial development located on a beach or dune or located between the mean high water line of any tidal waters, or the landward limit of a beach or dune, whichever is most landward, and a point 150 feet landward of the mean high water line of any tidal waters, or the landward limit of a beach or dune, whichever is most landward, shall be calculated based on the following schedule:

Construction Cost	Fees
\$0 to \$50,000	\$1,450 + ½ of one percent of construction costs
\$50,001 to \$100,000	\$1,700 + one percent of construction costs above \$50,000
\$100,001 to \$200,000	\$2,200 + 1¼ percent of construction costs above 100,000
\$200,001 to \$350,000	\$3,450 + 1½ percent of construction costs above \$200,000
Greater than \$350,000	\$5,700 + one percent of construction costs above \$350,000

2. The fee for commercial, public or industrial developments located beyond 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, shall be \$3,500 plus \$500.00 per acre included in the site plan, except as provided at (b)2i through iv below.

i. For a proposed linear development, the fee shall be \$3,500 plus \$500.00 per acre to be disturbed. For the purposes of this section, "linear development" means land uses such as roads, railroads, sewerage and storm-water management pipes, gas and water pipelines, electric, telephone and other transmission lines and the rights-of-way therefor, which have the basic function of connecting two points. Linear development shall not mean residential, commercial, office or industrial buildings, improvements within a development such as utility lines or pipes, or internal circulation roads.

ii. For a proposed mining operation, as defined at N.J.A.C. 7:7E-7.8, the fee shall be \$3,500 plus \$100.00 per acre disturbed.

iii. For a proposed development associated with a solid waste landfill, the fee shall be \$3,500.

iv. For a proposed public development to be located entirely within a publicly owned park or recreation area, the fee shall be \$3,500 plus \$100.00 per acre disturbed.

3. For a non-residential commercial development that straddles the regulatory zone between the first 150 feet review zone and the remainder of the CAFRA area and does not trigger the higher regulatory threshold set forth at N.J.A.C. 7:7-2.1(a)5, the fee shall be calculated considering the entire development using the formula found at (b)1 above.

4. For a non-residential commercial development that straddles the regulatory zone between the first 150 feet review zone and the remainder of the CAFRA area and does trigger the higher regulatory threshold set forth at N.J.A.C. 7:7-2.1(a)5, the fee shall be calculated considering the entire development using the formula found at (b)2 above.

5. For a public or industrial development that straddles the regulatory zone between the first 150 feet review zone and the remainder of the CAFRA area, the fee shall be calculated considering the entire development using the formula found at (b)2 above.

(c) The application fee for mixed residential and non-residential development requiring a CAFRA permit shall be the sum of the residential and non-residential development fees as calculated under (a) and (b) above.

(d) The application fee payable at the time of application for the CAFRA permits at (a) through (c) above shall not exceed \$30,000. If the fee calculated under this section exceeds \$30,000, the Department will document its actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit. If such costs exceed \$30,000, the applicant shall pay a supplemental fee to cover such costs. The Department shall provide the applicant with documentation of such costs when a supplemental fee is charged.

(e) The application fee for the review of a coastal general permit application pursuant to N.J.A.C. 7:7-7 shall be \$250.00.

(f) The application fee for the review and processing of a request for an exemption letter certifying that a develop-

ment is exempt from the requirements of CAFRA shall be \$125.00.

7:7-10.5 Standards for assessing a single permit application fee

(a) The Department shall assess a single permit application fee for a development which requires more than one of the following permits, if the permit applications are submitted and processed simultaneously: CAFRA permits; waterfront development permits; coastal wetlands permits; stream encroachment permits; or freshwater wetlands permits (including individual permits, general permits, and transition area waivers) issued under N.J.A.C. 7:7A. The application fee for the project is equal to the sum of the following:

1. The single highest permit application fee for the above listed permits required for the project; and
2. Seventy five percent of the sum of the permit application fees for all other permits required for the project.

7:7-10.6 Application fees for requests for modifications of coastal permits

(a) The fees for requests to modify coastal permits in accordance with N.J.A.C. 7:7-4.10 and 7.3(a) are as follows:

1. The fee for a minor modification to a Waterfront Development, Coastal Wetlands, or CAFRA permit is \$100.00;
2. The fee for a major modification to an Upland Waterfront Development or CAFRA permit is 20 percent of the total original permit application fee, with a minimum fee of \$250.00 and a maximum fee of \$5,000; and
3. The fee for a modification of a coastal general permit is \$100.00.