

CHAPTER 7

COASTAL PERMIT PROGRAM RULES

Authority

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

Source and Effective Date

R.2006 d.142, effective March 21, 2006. See: 37 N.J.R. 4108(a), 38 N.J.R. 1657(a).

Chapter Expiration Date

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

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Subchapter 1, Riparian Grants and Leases, was repealed by R.1980 d.433, effective October 7, 1980.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Subchapter 2, Waterfront Development Permits, was repealed and Chapter 7, Coastal Permit Program Rules, was adopted as new rules by R.1984 d.164, effective May 7, 1984.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: 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: Source and Effective Date. See, also, section annotations.

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).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:7-1.1 Purpose and scope (Reserved)
7:7-1.2 Definitions
7:7-1.3 Standards for evaluating permit applications
7:7-1.4 Permits and permit conditions
7:7-1.5 Provisional permits
7:7-1.6 Emergency permit authorization
7:7-1.7 Procedure where more than one permit is required
7:7-1.8 Permit fees
7:7-1.9 Construction; relaxation of procedures or reconsideration of application of substantive standards
7:7-1.10 Severability

SUBCHAPTER 2. ACTIVITIES FOR WHICH A PERMIT IS REQUIRED

- 7:7-2.1 CAFRA
7:7-2.2 Wetlands
7:7-2.3 Waterfront development

SUBCHAPTER 3. PRE-APPLICATION REVIEW

- 7:7-3.1 Purpose
7:7-3.2 Request for a pre-application review
7:7-3.3 Discussion of information requirements
7:7-3.4 Memorandum of record

SUBCHAPTER 4. PERMIT REVIEW PROCEDURE

- 7:7-4.1 General
7:7-4.2 Application contents
7:7-4.3 Newspaper notice of application submission and availability of application for examination by the public
7:7-4.4 Initial review of applications
7:7-4.5 Public hearings and public comment periods
7:7-4.6 Final review of the application
7:7-4.7 Timetable for permit decisions
7:7-4.8 Publication of the permit decision
7:7-4.9 Withdrawal, resubmission and amendment of applications
7:7-4.10 Requests for modifications
7:7-4.11 Suspension and revocation of permits
7:7-4.12 (Reserved)

SUBCHAPTER 5. PROCEDURES TO REQUEST AN ADJUDICATORY HEARING TO CONTEST A PERMIT DECISION

- 7:7-5.1 Hearing request
7:7-5.2 Response to a hearing request
7:7-5.3 Action on hearing request
7:7-5.4 Settlement in response to a hearing request
7:7-5.5 (Reserved)

SUBCHAPTER 6. INFORMATION REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS AND COMPLIANCE STATEMENTS

- 7:7-6.1 When an EIS is required
- 7:7-6.2 Formats and contents
- 7:7-6.3 Preparation

SUBCHAPTER 7. GENERAL PERMITS AND PERMITS-BY-RULE

- 7:7-7.1 General standards for issuing coastal general permits and permits-by-rule
- 7:7-7.2 Permits-by-rule
- 7:7-7.3 Application procedure for a coastal general permit authorization
- 7:7-7.3A Requests for modifications of coastal general permit authorizations
- 7:7-7.4 Long Branch Redevelopment Zone Permit
- 7:7-7.5 Coastal general permit for amusement pier expansion
- 7:7-7.6 Coastal general permit for beach and dune maintenance activities
- 7:7-7.7 Coastal general permit for voluntary reconstruction of certain residential or commercial development
- 7:7-7.8 Coastal general permit for the development of a single family home or duplex
- 7:7-7.9 Coastal general permit for the expansion, or reconstruction (with or without expansion), of a single family home or duplex
- 7:7-7.10 Coastal general permit for construction of a bulkhead and placement of associated fill on a manmade lagoon
- 7:7-7.11 Coastal general permit for the construction of a revetment at a single family home or duplex lot
- 7:7-7.12 Coastal general permit for the construction of gabions at a single family/duplex lot
- 7:7-7.13 Coastal general permit for the construction of support facilities at legally existing and operating marinas
- 7:7-7.14 Coastal general permit for reconstruction of a legally existing functioning bulkhead
- 7:7-7.15 Coastal general permit for investigation, cleanup, removal or remediation of hazardous substances
- 7:7-7.16 Coastal general permit for the landfall of utilities
- 7:7-7.17 Coastal general permit for the construction of recreational facilities at public parks
- 7:7-7.18 Coastal general permit for bulkhead construction and placement of associated fill
- 7:7-7.19 Coastal general permit for the construction of piers, docks including jet ski ramps, pilings and boatlifts in man-made lagoons
- 7:7-7.20 Coastal general permit for minor maintenance dredging in man-made lagoons
- 7:7-7.21 Coastal general permit for the stabilization of eroded shorelines
- 7:7-7.22 Coastal general permit for avian nesting structures
- 7:7-7.23 Coastal general permit for modification of existing electrical substations
- 7:7-7.24 Coastal general permit for the legalization of the filling of tidelands
- 7:7-7.25 Coastal general permit for the construction of telecommunication towers
- 7:7-7.26 Coastal general permit for the construction of certain structures related to the tourism industry at hotels and motels, commercial developments and multi-family residential developments over 75 units
- 7:7-7.27 Coastal general permit for geotechnical survey borings
- 7:7-7.28 (Reserved)
- 7:7-7.29 Coastal general permit for habitat creation, restoration, enhancement, and living shoreline activities
- 7:7-7.30 Coastal general permit for the construction of one to three wind turbines less than 200 feet in height and having a cumulative rotor swept area no greater than 4,000 square feet

- 7:7-7.31 Coastal general permit for the construction of wind turbines less than 250 feet in height and having a cumulative rotor swept area no greater than 20,000 square feet
- 7:7-7.32 Coastal general permit for the dredging of sand from a man-made lagoon deposited as a result of a storm event for which the Governor declared a State of Emergency
- 7:7-7.33 Coastal general permit for the dredging of material from a waterway at a residential or commercial development deposited as a result of the failure of a bulkhead as a consequence of a storm event for which the Governor declared a State of Emergency
- 7:7-7.34 Coastal general permit for dredging and management of material from a marina deposited as a result of a storm event for which the Governor declared a State of Emergency
- 7:7-7.35 Coastal general permit for commercial shellfish aquaculture activities
- 7:7-7.36 Coastal general permit for the placement of shell within shellfish lease areas

SUBCHAPTER 8. ENFORCEMENT

- 7:7-8.1 Authority for N.J.S.A. 13:19-1 et seq. (CAFRA) and N.J.S.A. 12:5-1 et seq. (Waterfront Development)
- 7:7-8.2 Procedures for issuing an administrative order pursuant to N.J.S.A. 13:19-1 et seq. (CAFRA) and N.J.S.A. 12:5-1 et seq. (Waterfront Development)
- 7:7-8.3 Procedures for assessment, settlement and payment of civil administrative penalties for violations of N.J.S.A. 13:19-1 et seq. (CAFRA)
- 7:7-8.4 Procedures to request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment; procedures for conducting adjudicatory hearings for violations of N.J.S.A. 13:19-1 et seq. (CAFRA)
- 7:7-8.5 Civil administrative penalties for failure to obtain a permit for regulated activities pursuant to N.J.S.A. 13:19-1 et seq. (CAFRA)
- 7:7-8.6 Civil administrative penalties for violations of N.J.S.A. 13:19-1 et seq. (CAFRA) other than failure to obtain a permit for regulated activities
- 7:7-8.7 Civil penalty for violations of N.J.S.A. 13:19-1 et seq. (CAFRA)
- 7:7-8.8 Civil administrative penalties for violations of N.J.S.A. 12:5-1 et seq. (Waterfront Development)
- 7:7-8.9 Civil administrative penalty for continuing violation of N.J.S.A. 12:5-1 et seq. (Waterfront Development)
- 7:7-8.10 Procedures for assessment, settlement and payment of civil administrative penalties pursuant to N.J.S.A. 12:5-1 et seq. (Waterfront Development)
- 7:7-8.11 Procedures to request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment; procedures for conducting adjudicatory hearings for violations of N.J.S.A. 12:5-1 et seq. (Waterfront Development)
- 7:7-8.12 Civil penalties for violations of N.J.S.A. 13:9A-1 et seq. (Wetlands Act of 1970)
- 7:7-8.13 Civil actions for violations of N.J.S.A. 13:19-1 et seq. (CAFRA), N.J.S.A. 12:5-1 et seq. (Waterfront Development), and N.J.S.A. 13:9A-1 et seq. (Wetlands Act of 1970)
- 7:7-8.14 Grace period applicability; procedures
- 7:7-8.15 Severability

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. COASTAL PERMIT APPLICATION FEES

- 7:7-10.1 Purpose and scope
- 7:7-10.2 Application fees for waterfront development permits
- 7:7-10.3 Application fees for Coastal Wetland permits