

**CHAPTER 7E**  
**COASTAL ZONE MANAGEMENT**

**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.2003 d.60, effective January 7, 2003.  
See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 7E, Coastal Zone Management, expires on July 7, 2013. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 7E, Coastal Zone Management, was adopted as R.1978 d.292, effective September 28, 1978. See: 10 N.J.R. 184(a), 10 N.J.R. 384(a).

Public Notice: Federal ruling on N.J.A.C. 7:7E. See: 14 N.J.R. 1467(b).

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1985 d.422, effective July 24, 1985. See: 17 N.J.R. 1465(a), 17 N.J.R. 1797(c), 17 N.J.R. 2021(a).

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1990 d.413, effective July 24, 1990. See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

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

Subchapter 3A, Standards for Beach and Dune Activities, Subchapter 3B, Information Required in Wetland Mitigation Proposals, and Subchapter 3C, Assessing Impacts to Endangered and Threatened Wildlife Species in Environmental Impact Assessments, were adopted as New Rules by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994). See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).

Appendix to Chapter 7E: Figures 1 through 16 were adopted as a part of R.1994 d.380 and form the Appendix to N.J.A.C. 7:7E. The Figures are not reproduced in this chapter, but can be reviewed by contacting the Office of Administrative Law, Rules and Publications, PO Box 301, Trenton, NJ 08625-0301, or the Department of Environmental Protection.

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1995 d.405, effective June 23, 1995. See: 27 N.J.R. 417(a), 27 N.J.R. 2738(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).

Subchapter 5A, Impervious Cover Limits and Vegetative Cover Percentages in the Upland Waterfront Development Area; Subchapter 5B, Impervious Cover Limits and Vegetative Cover Percentages in the CAFRA Area, were adopted as R.2000 d.45, effective February 7, 2000. See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

The expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from June 23, 2000 to March 31, 2001. See: 32 N.J.R. 2591(c).

The expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from March 31, 2001 to March 31, 2002. See: 33 N.J.R. 1370(a).

The expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from September 27, 2002 to January 7, 2003. See: 34 N.J.R. 3641(a).

Chapter 7E, Coastal Zone Management, was readopted as R.2003 d.60, effective January 7, 2003. As part of R.2003 d.60, Subchapter 2, Location, Use and Resource Rules, is repealed, effective February 3, 2003. See: Source and Effective Date. See, also, section annotations.

Public Notice: Routine Program Change for Coastal Management Program. See: 35 N.J.R. 4917(a).

Public Notice: Routine Program Change for Coastal Management Program. See: 36 N.J.R. 3304(b).

Public Notice: Coastal Management Office: determination on routine program change to the Coastal Management Program. See: 38 N.J.R. 1587(a).

Subchapter 8A, Information Required to Demonstrate Compliance with the Public Trust Rights Rule, N.J.A.C. 7:7E-8.11; Conservation Restrictions and Public Access Instruments, was adopted as new rules by R.2007 d.374, effective December 17, 2007. See: 38 N.J.R. 4570(a), 39 N.J.R. 5222(a).

Public Notice: Coastal Management Office: notice of routine program change to the Coastal Management Program. See: 41 N.J.R. 1272(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from January 7, 2008 to July 7, 2009. See: 40 N.J.R. 781(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from July 7, 2009 to July 7, 2010. See: 41 N.J.R. 2894(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from July 7, 2010 to July 7, 2011. See: 42 N.J.R. 468(a).

Public Notice: Plan Endorsement. See: 42 N.J.R. 523(a).

Petition for Rulemaking. See: 42 N.J.R. 2277(a), 2332(a), 2992(a), 2992(b).

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

Petition for Rulemaking. See: 43 N.J.R. 451(a).

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

Subchapter 8A, Information Required to Demonstrate Compliance with the Public Trust Rights Rule, N.J.A.C. 7:7E-8.11; Conservation Restrictions and Public Access Instruments, was repealed by R.2012 d.182, effective November 5, 2012. See: 43 N.J.R. 772(a), 44 N.J.R. 614(a), 44 N.J.R. 2559(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).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. INTRODUCTION

- 7:7E-1.1 Purpose and scope
- 7:7E-1.2 Jurisdiction
- 7:7E-1.3 Severability
- 7:7E-1.4 Review, revision, and expiration
- 7:7E-1.5 CAFRA findings
- 7:7E-1.6 Mitigation
- 7:7E-1.7 Correspondence with the Department
- 7:7E-1.8 Definitions

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. SPECIAL AREAS

- 7:7E-3.1 Purpose and scope
- 7:7E-3.2 Shellfish habitat
- 7:7E-3.3 Surf clam areas
- 7:7E-3.4 Prime fishing areas
- 7:7E-3.5 Finfish migratory pathways
- 7:7E-3.6 Submerged vegetation habitat
- 7:7E-3.7 Navigation channels
- 7:7E-3.8 Canals
- 7:7E-3.9 Inlets
- 7:7E-3.10 Marina moorings
- 7:7E-3.11 Ports
- 7:7E-3.12 Submerged infrastructure routes
- 7:7E-3.13 Shipwreck and artificial reef habitats
- 7:7E-3.14 Wet borrow pits
- 7:7E-3.15 Intertidal and subtidal shallows
- 7:7E-3.16 Dunes
- 7:7E-3.17 Overwash areas
- 7:7E-3.18 Coastal high hazard areas
- 7:7E-3.19 Erosion hazard areas
- 7:7E-3.20 Barrier island corridor
- 7:7E-3.21 Bay islands
- 7:7E-3.22 Beaches
- 7:7E-3.23 Filled water's edge
- 7:7E-3.24 Existing lagoon edges
- 7:7E-3.25 Flood hazard areas
- 7:7E-3.26 Riparian zones
- 7:7E-3.27 Wetlands
- 7:7E-3.28 Wetlands buffers
- 7:7E-3.29 through 7:7E-3.30 (Reserved)
- 7:7E-3.31 Coastal bluffs
- 7:7E-3.32 Intermittent stream corridors
- 7:7E-3.33 Farmland conservation areas
- 7:7E-3.34 Steep slopes
- 7:7E-3.35 Dry borrow pits
- 7:7E-3.36 Historic and archaeological resources
- 7:7E-3.37 Specimen trees
- 7:7E-3.38 Endangered or threatened wildlife or plant species habitats
- 7:7E-3.39 Critical wildlife habitats
- 7:7E-3.40 Public open space
- 7:7E-3.41 Special hazard areas
- 7:7E-3.42 Excluded Federal lands
- 7:7E-3.43 Special urban areas
- 7:7E-3.44 Pinelands National Reserve and Pinelands Protection Area
- 7:7E-3.45 Hackensack Meadowlands District
- 7:7E-3.46 Wild and scenic river corridors
- 7:7E-3.47 Geodetic control reference marks
- 7:7E-3.48 Hudson River Waterfront Area
- 7:7E-3.49 Atlantic City
- 7:7E-3.50 Lands and waters subject to public trust rights

SUBCHAPTER 3A. STANDARDS FOR BEACH AND DUNE ACTIVITIES

- 7:7E-3A.1 Purpose and scope
- 7:7E-3A.2 Standards applicable to routine beach maintenance
- 7:7E-3A.3 Standards applicable to emergency post-storm beach restoration
- 7:7E-3A.4 Standards applicable to dune creation and maintenance
- 7:7E-3A.5 Standards applicable to the construction of boardwalks

SUBCHAPTER 3B. INFORMATION REQUIRED IN TIDAL WETLAND AND INTERTIDAL AND SUBTIDAL SHALLOWS MITIGATION PROPOSALS

- 7:7E-3B.1 Purpose and scope
- 7:7E-3B.2 Tidal wetland and intertidal and subtidal shallows mitigation proposal requirements
- 7:7E-3B.3 Financial assurance requirements
- 7:7E-3B.4 Department review of mitigation proposal
- 7:7E-3B.5 Post-construction monitoring of the mitigation site

SUBCHAPTER 3C. 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 SPECIES HABITAT EVALUATION

- 7:7E-3C.1 Purpose and scope
- 7:7E-3C.2 Standards for conducting Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessments
- 7:7E-3C.3 Standards for conducting Endangered or Threatened Wildlife Species Habitat Evaluations
- 7:7E-3C.4 Standards for reporting the results of impact assessments and habitat evaluations

SUBCHAPTER 4. GENERAL WATER AREAS

- 7:7E-4.1 Purpose and scope
- 7:7E-4.2 Shellfish aquaculture
- 7:7E-4.3 Boat ramps
- 7:7E-4.4 Docks and piers for cargo and commercial fisheries
- 7:7E-4.5 Recreational docks and piers
- 7:7E-4.6 Maintenance dredging
- 7:7E-4.7 New dredging
- 7:7E-4.8 Dredged material disposal
- 7:7E-4.9 Solid waste or sludge dumping
- 7:7E-4.10 Filling
- 7:7E-4.11 Mooring
- 7:7E-4.12 Sand and gravel mining
- 7:7E-4.13 Bridges
- 7:7E-4.14 Submerged pipelines
- 7:7E-4.15 Overhead transmission lines
- 7:7E-4.16 Dams and impoundments
- 7:7E-4.17 Outfalls and intakes
- 7:7E-4.18 Realignment of water areas
- 7:7E-4.19 Vertical wake or wave attenuation structures
- 7:7E-4.20 Submerged cables
- 7:7E-4.21 Artificial reefs
- 7:7E-4.22 Miscellaneous uses
- 7:7E-4.23 Living shorelines

SUBCHAPTER 5. REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS

- 7:7E-5.1 Purpose and scope
- 7:7E-5.2 Definitions
- 7:7E-5.3 Impervious cover requirements that apply to sites in the upland waterfront development and CAFRA areas
- 7:7E-5.4 Vegetative cover requirements that apply to sites in the upland waterfront development and CAFRA areas
- 7:7E-5.5 Determining if a site is forested or unforested