

CHAPTER 7E

COASTAL ZONE MANAGEMENT

Authority

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

Source and Effective Date

R.1995 d.405, effective June 23, 1995.
See: 27 N.J.R. 417(a), 27 N.J.R. 2738(a).

Executive Order No. 66(1978) Expiration Date

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).

Chapter Historical Note

Chapter 7E, Coastal Zone Management, became effective September 28, 1978, as R.1978 d.292. See: 10 N.J.R. 184(a), 10 N.J.R. 384(a). Amendments became effective September 26, 1980, as R.1980 d.375. See: 12 N.J.R. 252(a), 12 N.J.R. 576(a). Further amendments became effective May 15, 1981 as R.1981, d.186. See: 13 N.J.R. 76(a), 13 N.J.R. 338(a). Further amendments became effective February 16, 1982, as R.1982 d.31. See: 13 N.J.R. 864(a), 14 N.J.R. 206(a). Further amendments became effective April 19, 1982, as R.1982 d.114. See: 13 N.J.R. 565(a), 14 N.J.R. 385(c), 14 N.J.R. 1155(a). A public notice regarding a Federal ruling on certain Chapter 7E rules was published at 14 N.J.R. 1467(b). Pursuant to Executive Order No. 66(1978), Chapter 7E 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 was readopted as R.1990 d.413, effective July 24, 1990. See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b). Subchapters 3A, Standards for Beach and Dune Activities, 3B, Information Required in Wetland Mitigation Proposals, and 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). Chapter 7E was readopted as R.1995 d.405, effective June 23, 1995. See: Source and Effective Date.

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

See section annotations for specific rulemaking activity.

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.

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

Case Notes

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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APPENDIX 3. BOUNDARIES OF COASTAL CENTERS IN THE CAFRA AREA LOCATED ON BARRIER ISLANDS, OCEANFRONT SPITS, OR PENINSULAS

SUBCHAPTER 1. INTRODUCTION

7:7E-1.1 Purpose

(a) This chapter presents the substantive rules of the Department of Environmental Protection regarding the use and development of coastal resources, to be used primarily by the Land Use Regulation Program in the Department in reviewing permit applications under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq. (as amended to July 19, 1993), Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., Waterfront Development Law, N.J.S.A. 12:5-3, Water Quality Certification (401 of the Federal Clean Water Act), and Federal Consistency Determinations (307 of the Federal Coastal Zone Management Act). Requests for Water Quality Certification shall also be reviewed in accordance with other applicable statutes and regulations administered by the Department including the Surface Water Quality Standards, N.J.A.C. 7:9B. The rules also provide a basis for recommendations by the Program to the Tidelands Resource Council on applications for riparian grants, leases and licenses.

ii. The width of the access channel is the minimum width required to moor a boat at the dock; and

iii. The maintenance dredging complies with all applicable Special Water Area Rules (N.J.A.C. 7:7E-3).

3. Submerged infrastructure is conditionally acceptable, provided that:

i. There is no feasible alternative route that would not disturb intertidal and subtidal shallows;

ii. The infrastructure is buried deeply enough to avoid exposure or hazard;

iii. Directional drilling for the purpose of installation of submerged infrastructure is preferred to trenching where feasible; and

iv. All trenches are backfilled to the preconstruction depth with naturally occurring sediment.

4. The filling of intertidal and subtidal shallows for beach nourishment is conditionally acceptable provided it meets the requirements found under the Filling rule (N.J.A.C. 7:7E-4.2(j)) and the Coastal Engineering rule (N.J.A.C. 7:7E-7.11(d)).

(c) If the destruction of intertidal and subtidal shallows takes place, mitigation shall be carried out at a ratio of one acre created to one acre lost. Mitigation sites shall be located within the same estuary whenever feasible. Specific filling activities acceptable under N.J.A.C. 7:7E-4.2(j)2iii(1) and 7.11(d) are exempt from this mitigation requirement.

1. Dredging activities for residential noncommercial docks will not require mitigation. Dredging activities for projects which do not meet the criteria at (b)1 and 2 above, marinas and ports will not require mitigation provided the dredged area is reduced to the minimum extent practicable (minimum being the smallest area compared to the area needed to develop the same project at another site).

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(a) deleted old text and inserted new; old (b) deleted; (b)1 now (b) and text "but may be . . . N.J.A.C. 7:7E-4.4(i)" added; rest of section recodified.

Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Mitigation ratio, sites and exemptions specified at (b)1.
Amended 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).

Case Notes

Application for permit to construct dock was properly denied given adverse impact on shallow aquatic environment. *Mangel v. Njdepe/LUR*, 95 N.J.A.R.2d (EPE) 133.

Bulkhead constructed in violation of regulations; removal ordered. *Walker v. New Jersey Department of Environmental Protection*, 93 N.J.A.R.2d (EPE) 69.

7:7E-3.16 Dunes

(a) A dune is a wind or wave deposited or man-made formation of sand (mound or ridge), that lies generally parallel to, and landward of, the beach, and between the upland limit of the beach and the foot of the most inland dune slope. "Dune" includes the foredune, secondary and tertiary dune ridges, as well as man-made dunes, where they exist (see Appendix, Figure 1, incorporated herein by reference).

1. Formation of sand immediately adjacent to beaches that are stabilized by retaining structures, and/or snow fences, planted vegetation, and other measures are considered to be dunes regardless of the degree of modification of the dune by wind or wave action or disturbance by development.

2. A small mound of loose, windblown sand found in a street or on a part of a structure as a result of storm activity is not considered to be a "dune."

(b) Development is prohibited on dunes, except for development that has no practicable or feasible alternative in an area other than a dune, and that will not cause significant adverse long-term impacts on the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances or activities. In addition, the removal of vegetation from any dune, and the excavation, bulldozing or alteration of dunes is prohibited, unless these activities are a component of a Department approved beach and dune management plan. Examples of acceptable activities are:

1. Demolition and removal of paving and structures;

2. Limited, designated access ways for pedestrian and authorized motor vehicles between public streets and the beach that provide for minimum feasible interference with the beach and dune system and are oriented so as to provide the minimum feasible threat of breaching or overtopping as a result of a storm surge or wave runup (see N.J.A.C. 7:7E-3A);

3. Limited stairs, walkways, pathways and boardwalks to permit access across dunes to beaches, in accordance with N.J.A.C. 7:7E-3A, provided they cause minimum feasible interference with the beach and dune system;

4. The planting of native vegetation to stabilize dunes in accordance with N.J.A.C. 7:7E-3A;

5. Sand fencing, either a brush type barricade or picket type, to accumulate sand and aid in dune formation in accordance with N.J.A.C. 7:7E-3A;

6. Shore protection structures which meet the use conditions of N.J.A.C. 7:7E-7.11(e); and

7. Linear development which meets the Rule on Location of Linear Development (N.J.A.C. 7:7E-6.1).

(c) The creation of dunes for the purpose of shore protection is strongly encouraged. According to the National Flood Insurance Program (NFIP) Regulations established by the Federal Emergency Management Agency (FEMA), primary frontal dunes will not be considered as effective barriers to base flood storm surges and associated wave action where the cross-sectional area of the primary frontal dune, as measured perpendicular to the shoreline and above the 100-year stillwater flood elevation and seaward of the dune crest, is equal to or less than 540 square feet. This standard represents the minimal dune volume to be considered effective in providing protection from the 100-year storm surge and associated wave action, and should represent a "design dune" goal.

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b) deleted; new (b)-(f) added; (c) recodified to (h).
Repeal and New Rule, R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on filled water's edge deleted.
Amended 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).

7:7E-3.17 Overwash areas

(a) An overwash area is an area subject to accumulation of sediment, usually sand, that is deposited landward of the beach or dune by the rush of water over the crest of the beach berm, a dune or a structure. An overwash area may, through stabilization and vegetation, become a dune (see Appendix, Figure 1).

1. The seaward limit of the overwash area is the seaward toe of the former dune, or the landward limit of the beach, in the absence of a dune.
2. The landward limit of the overwash area is the inland limit of sediment transport.
3. Verifiable aerial photography and other appropriate sources may be used to identify the extent of overwash.

(b) Development is prohibited on overwash areas, except for development that has no prudent or feasible alternative in an area other than an overwash area, and that will not cause significant adverse long-term impacts on the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances or activities. Examples of acceptable activities are:

1. Creation of dunes or expansion of existing dunes in accordance with N.J.A.C. 7:7E-3A;

2. Demolition and removal of paving and structures;
3. Limited, designated access ways for pedestrians and authorized motor vehicles between public streets and the beach that provide for the minimum feasible interference with the beach and dune system and are so oriented as to provide the minimum feasible threat of breaching or overtopping as a result of storm surge or wave runup;
4. Shore protection structures which meet the use conditions of N.J.A.C. 7:7E-7.11(e);
5. Linear development which meets the Rule on Location of Linear Development (N.J.A.C. 7:7E-6.1);
6. Removal of newly deposited overwash fans from public roads and or developed lots; and
7. Construction of street-end beach accessways along the oceanfront, provided they are oriented at an angle against the predominant northeast storm approach, are limited in width to no more than ten feet, and are defined/stabilized with sand fencing. These standards should be included in all beach and dune management plans for oceanfront locations.

(c) A development may be permitted if, by creating a dune with buffer zone or expanding an existing dune landward, the classification of the site is changed so as to significantly diminish the possibility of future overwash. In determining overwash potential, the protective capacity of newly created dunes will be evaluated in terms of the "design dune" goal discussed in N.J.A.C. 7:7E-3.16(c).

(d) A single story, beach/tourism oriented commercial development located within a commercial boardwalk area existing on July 19, 1993 is conditionally acceptable provided that it meets the following conditions:

1. The site is located within an area currently used and zoned for beach related commercial use, and is landward of the boardwalk;
2. The height of the building does not exceed 15 feet measured from either the elevation of the existing ground or the boardwalk (depending on the specific site conditions) to the top of a flat roof or the mid-point of a sloped roof;
3. The facility is open to the general public and supports beach/tourism related activities, that is, retail, amusement and food services. Lodging facilities are excluded; and
4. The facility meets all the flood proofing requirements of the Flood Hazard Area Rule, N.J.A.C. 7:7E-3.25.

(e) Any development determined to be acceptable at (b) through (d) above shall comply with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7E-5 and 5B.

(f) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended and recodified.

Repeal and New Rule, R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on existing lagoon edges deleted.

Amended 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).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

In (d), rewrote the introductory paragraph; inserted a new (e); and recodified former (e) as (f).

7:7E-3.18 Coastal high hazard areas

(a) Coastal high hazard areas are flood prone areas subject to high velocity waters (V zones) as delineated on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA), and areas within 25 feet of oceanfront shore protection structures, which are subject to wave run-up and overtopping. (see Appendix, Figure 2 incorporated herein by reference). The Coastal High Hazard Area extends from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The inland limit of the V zone is defined as the V zone boundary line as designated on the FIRM or the inland limit of the primary frontal dune, whichever is most landward.

(b) Residential development, including hotels and motels, is prohibited in coastal high hazard areas except for single family and duplex infill developments that meet the standards of N.J.A.C. 7:7E-7.2(e) or development in Atlantic City in accordance with (g) below.

(c) In general, commercial development is discouraged in coastal high hazard areas.

(d) Beach use related commercial development in coastal high hazard areas is conditionally acceptable within areas that are already densely developed, provided that:

1. The site is landward of the boardwalk;
2. The height of the building does not exceed 15 feet measured from either the elevation of the existing ground or the boardwalk (depending on the specific site conditions) to the top of a flat roof or the mid-point of a sloped roof;
3. The facility is open to the general public and supports beach/tourism related activities, that is, retail, amusement and food services. Lodging facilities are excluded; and
4. The facility complies with all the flood proofing requirements at N.J.A.C. 7:7E-3.25, Flood hazard areas.

(e) Any development determined to be acceptable at (c) and (d) above shall comply with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7E-5 and either N.J.A.C. 7:7E-5A or 5B.

(f) All permanent structures shall be set back a minimum of 25 feet from oceanfront shore protection structures, typically including bulkheads, revetments and seawalls and occasionally jetties and groins if constructed at inlets. This condition is applicable only to shore protection structures that are of sufficient height and strength to provide resistance to storm waves. This condition does not apply to development in accordance with (g) below.

(g) The following development in Atlantic City is acceptable in Coastal High Hazard Areas provided it meets the standards of N.J.A.C. 7:7E-3.49:

1. Development on or over existing ocean piers;
2. Pilings necessary to support development proposed on or over existing ocean piers; and
3. Development on or over the Boardwalk.

(h) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended.

Repeal and New Rule, R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on natural water's edge floodplains deleted.

Amended 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).

Amended by R.1998 d.571, effective December 7, 1998.

See: 30 N.J.R. 1679(a), 30 N.J.R. 4210(b).

In (b), changed N.J.A.C. reference; and added (e).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Rewrote the section.

7:7E-3.19 Erosion Hazard Areas

(a) Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion, and damage from storms.

1. Erosion hazard areas may be identified by any one of the following characteristics:
 - i. Lack of beaches;
 - ii. Lack of beaches at high tide;
 - iii. Narrow beaches;
 - iv. High beach mobility;
 - v. Foreshore extended under boardwalk;
 - vi. Low dunes or no dunes;
 - vii. Escarped foredune;

- viii. Steep beach slopes;
- ix. Cliffed bluffs as adjacent to beach;
- x. Exposed, damaged or breached jetties, groins, bulkheads or seawalls;
- xi. High long-term erosion rates; or
- xii. Pronounced downdrift effects of groins (jetties).

2. Erosion hazard areas extend inland from the edge of a stabilized upland area to the limit of the area likely to be eroded in 30 years for one to four unit dwelling structures, and 60 years for all other structures, including developed and undeveloped areas. This distance is measured from the crest of a bluff for coastal bluff areas, the most seaward established dune crest for unvegetated dune areas, the first vegetation line from the water for established vegetated dune areas, and the landward edge of a beach or the eight foot North American Datum (NAD), 1983, contour line, whichever is farther inland, for non-dune areas.

i. An established, unvegetated dune is a dune that has been in place for at least two winter seasons, or has been constructed with the approval of the Department.

ii. An established vegetated dune is a dune with an existing vegetative cover which has been growing on site for at least two growing seasons.

3. The extent of an erosion hazard area is calculated by multiplying the projected annual erosion rate at a site by 30 for the development of one to four unit dwelling structures and by 60 for all other developments.

(b) Development is prohibited in erosion hazard areas, except for:

1. Linear development which meets the Rule on Location of Linear Development (N.J.A.C. 7:7E-6.1);

2. Shore protection activities which meet the appropriate Coastal Engineering Use Rule (N.J.A.C. 7:7E-7.11);

3. Single story, beach/tourism oriented commercial development located within a commercial boardwalk area existing on July 19, 1993 is conditionally acceptable provided that it meets the following conditions:

i. The site is located within an area currently used and zoned for beach related commercial use, and is landward of and adjacent to the boardwalk;

ii. The height of the building does not exceed 15 feet measured from either the elevation of the existing ground or the boardwalk (depending on the specific site conditions) to the top of a flat roof or the mid-point of a sloped roof;

iii. The facility is open to the general public and supports beach/tourism related recreational activities, that is, retail, amusement and food services. Lodging facilities are excluded;

iv. The facility meets all the flood proofing requirements of the Flood Hazard Areas rule; and

v. The development complies with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7E-5 and 5B;

4. Single family and duplex infill developments that meet the standards of N.J.A.C. 7:7E-7.2 (e);

5. The construction of dune walkover structures and at-grade walkover pathways, in accordance with Department standards found at N.J.A.C. 7:7E-3A;

6. Dune creation and beach maintenance activities in accordance with Department standards found at N.J.A.C. 7:7E-3A; and

7. The following development in Atlantic City provided it meets the standards of N.J.A.C. 7:7E-3.49:

i. Development on or over existing ocean piers;

ii. Pilings necessary to support development proposed on or over existing ocean piers; and

iii. Development on or over the Boardwalk.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

(Agency note: N.J.A.C. 7:7E-3.20 and 3.21 belong to the Barrier and Bay Islands subcategory.)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Old (b) deleted; (b)1.-2. recodified to (b)-(c); old (c) now (d). Repeal and New Rule, R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on alluvial flood margins deleted.

Amended 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).

Amended by R.1998 d.571, effective December 7, 1998.

See: 30 N.J.R. 1679(a), 30 N.J.R. 4210(b).

In (b)4, changed N.J.A.C. reference.

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

In (b), rewrote the introductory paragraph and added v in 3, and added 7.

7:7E-3.20 Barrier island corridor

(a) "Barrier island corridors" are the interior portions of oceanfront barrier islands, spits and peninsulas. Along the New Jersey Coast, headlands are located between Monmouth Beach, Monmouth County and Pt. Pleasant Beach, Ocean County.

2. Existing retaining structures are adequate to protect the proposed development;

3. New or reconstructed retaining structures are consistent with the Acceptability Conditions for Filling (N.J.A.C. 7:7E-4.11(i)), 7:7E-4.11(j)) and Structural Shore Protection (N.J.A.C. 7:7E-7.11(e)) policies; and

4. The development complies with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7E-5 and either N.J.A.C. 7:7E-5A or 5B.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended.

Repeal and New Rule, R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on island corridor deleted.

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Rewrote (b)4.

Law Review and Journal Commentaries

Administrative Procedure—CAFRA—Environmental Protection. P.R. Chenoweth, 134 N.J.L.J. No. 10, 64 (1993).

Administrative Procedure—Environmental Law. Steven P. Bann, 137 N.J.L.J. No. 1, 67 (1994).

7:7E-3.25 Flood hazard areas

(a) Flood hazard areas are the floodway and flood fringe area around rivers, creeks and streams as delineated by DEP under the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.); and areas defined or delineated as an A or a V zone by the Federal Emergency Management Agency (FEMA). They are areas subject to either tidal or fluvial flooding. Where flood hazard areas have been delineated by both DEP and FEMA, DEP delineations shall be used. Where flood hazard areas have not been delineated by DEP or FEMA, limits of the 100 year floodplain will be established by computation on a case-by-case basis. The seaward boundary shall be the mean high water line (see Appendix 1, Figures 6 and 7, incorporated herein by reference).

1. A complete list of streams for which the Department has delineated the flood hazard area can be found in N.J.A.C. 7:13 (Rules Governing Flood Hazard Areas).

2. The Federal Emergency Management Agency has delineated the tidal floodplain for all Coastal Zone municipalities.

3. Where portions of the flood hazard areas meet the definition of another Special Water's Edge type (Filled Water's Edge, Lagoon Edge, Alluvial Flood Margins, Beaches, Dunes, Overwash Areas, Erosion Hazard Areas, Coastal High Hazard Areas, Barrier Island Corridor, Bay Islands, Wetlands, Wetlands Buffer, Coastal Bluffs, and

Intermittent Stream Corridors), the Special Water's Edge policies shall apply in terms of location acceptability and the flood hazard areas rule shall apply in terms of setback and flood proofing requirements.

(b) Dedication of flood hazard areas for purposes of public open space is encouraged, especially where such areas are designated to the New Jersey Wild and Scenic Rivers System (see N.J.S.A. 13:8-45 et seq.).

(c) In an undeveloped portion of a flood hazard area that is within 100 feet of a navigable water body, development is prohibited unless the development is for water dependent use. "Navigable" and "water dependent" are defined at N.J.A.C. 7:7E-1.5(c). For the purposes of this subsection and (d) below, an "undeveloped" area is an area that has no impervious cover.

(d) In a portion of an undeveloped flood hazard area that is 100 feet or farther from a navigable waterway, development is conditionally acceptable provided the development would not prevent potential water-dependent use in any portion of the flood hazard area within 100 feet of a navigable water body.

(e) Retention and detention basins developed specifically for storm water management purposes are conditionally acceptable provided they are constructed in accordance with the Stormwater Runoff rule (N.J.A.C. 7:7E-8.7).

(f) Development in areas subject to fluvial flooding must conform with the Flood Hazard Area Control Act and rules adopted thereunder. Development in areas subject to tidal flooding must conform with applicable federal flood hazard reduction standards as found at 44 C.F.R. Part 60 and the Uniform Construction Code, N.J.S.A. 52:27D-1 et seq.

(g) Development in a flood hazard area shall comply with the requirements for impervious cover and vegetative cover under N.J.A.C. 7:7E-5 and either N.J.A.C. 7:7E-5A or 5B, as applicable.

(h) Rationale: See the OAL Note at the beginning of this subchapter.

New Rule, R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on wetlands recodified to 3.27.

Amended 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).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

In (a), rewrote the first sentence of the introductory paragraph; in (b), substituted a reference to flood hazard areas for a reference to undeveloped flood hazard areas, and deleted a former second sentence; and rewrote (c), (d) and (g).

7:7E-3.26 (Reserved)

New Rule, R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on wetlands buffers recodified to 3.28 and amended to conform to Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A. Repealed 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).
Section was "Alluvial Flood Margins".

7:7E-3.27 Wetlands

(a) Wetlands or wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

1. Wetlands areas are identified and mapped on the following:

i. National Wetlands Inventory Maps produced by the U.S. Fish and Wildlife Service at a scale of 1:24,000 (generalized locations only);

ii. Coastal wetland maps, pursuant to the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.) prepared by the DEP at a scale of 1:2,400; and

iii. Freshwater wetland maps prepared by DEP at a scale of 1:12,000 (generalized locations only).

Note: Maps referenced in (a)1ii and iii above are available from the DEP Map and Publications sales office (609) 777-1038.

2. Generalized locations of some wetland types can be found in county soil surveys prepared by the U.S. Department of Agriculture, Soil Conservation Service.

3. The maps referenced under (a)1i, iii, and 2 above shall be useful as an indicator to assist in the preliminary determination of the presence or absence of wetlands only. They have been determined to be unreliable for the purposes of locating the actual wetlands boundary on a specific site.

4. All tidal and inland wetlands, excluding the delineated tidal wetlands defined pursuant to N.J.A.C. 7:7-2.2, shall be identified and delineated in accordance with the USEPA three-parameter approach (that is, hydrology, soils and vegetation) specified under N.J.A.C. 7:7A-1.4 of the Freshwater Wetlands Protection Act Rules.

(b) Development in wetlands defined under the Freshwater Wetlands Protection Act of 1987 is prohibited unless the development is found to be acceptable under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A).

(c) Development of all kinds in all other wetlands not defined in (b) above is prohibited unless the Department can find that the proposed development meets the following four conditions:

1. Requires water access or is water oriented as a central purpose of the basic function of the activity (this rule applies only to development proposed on or adjacent to waterways). This means that the use must be water dependent as defined in N.J.A.C. 7:7E-1.5;

2. Has no prudent or feasible alternative on a non-wetland site;

3. Will result in minimum feasible alteration or impairment of natural tidal circulation (or natural circulation in the case of non-tidal wetlands); and

4. Will result in minimum feasible alteration or impairment of natural contour or the natural vegetation of the wetlands.

(d) In particular, dumping solid or liquid wastes and applying or storing certain pesticides on wetlands are prohibited.

(e) No action by the Commissioner shall prohibit, restrict or impair the exercise or performance of the powers and duties conferred or imposed by law on the Department of Environmental Protection, the Natural Resource Council and the State Mosquito Control Commission in said Department, the Department of Health, or any mosquito control or other project or activity operating under or authorized by the provisions of chapter 9 of Title 26 of Revised Statutes. This rule does not supersede the authority of the State Mosquito Commission to undertake mosquito control projects authorized by chapter 9 of Title 26 of the Revised Statutes.

(f) Development that adversely affects white cedar stands such as water table drawdown, surface and groundwater quality changes and the introduction of non-native plant species is prohibited.

(g) For projects which require a Waterfront Development permit, the reuse of former dredged material disposal sites for continued dredged material disposal is conditionally acceptable provided the following criteria are met:

1. The site has been used for dredged material disposal within the past 10 years;

2. The site has existing dikes or berms in sound condition, and/or has sufficient area of previously disposed material within the previously disturbed disposal area to allow the construction of structurally sound dikes and berms;

3. There are no anticipated adverse effects on threatened or endangered species;

4. There are no colonial nesting birds present on site which would be adversely affected (seasonal restrictions may be required);

5. No wetlands regulated pursuant to the Wetlands Act of 1970 would be adversely affected;

6. The former dredged material disposal area is not subject to daily tidal inundation, and the vegetation community is limited primarily to scrub/shrub or phragmites; and

7. The required Waterfront Development permit and Water Quality Certification are obtained.

(h) If an application to disturb or destroy wetlands meets the standards for permit approval, the Department will require the applicant to mitigate for the loss or degradation of the wetlands in accordance with the following:

1. Mitigation for the loss of wetlands subject to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., shall meet the standards of N.J.A.C. 7:7A.

2. When a permit allows the disturbance or loss of wetlands by filling or other means, this disturbance or loss shall be compensated for as specified under (h)9 below unless the applicant can prove through the use of productivity models or other similar studies, that by restoring or creating a lesser area, there will be replacement of wetlands of equal ecological value. In order to demonstrate equal ecological value, the applicant shall survey and provide written documentation regarding, at a minimum, existing soil, vegetation, water quality functions, flood storage capacity, soil erosion and sediment control functions, and wildlife habitat conditions and detail how the proposed mitigation plan will replace the ecological values of the wetland to be lost or disturbed.

3. Mitigation shall be performed prior to or concurrent with activities that will permanently disturb wetlands and immediately after activities that will temporarily disturb these habitats. Applicants shall be required to obtain a secured bond, or other surety acceptable to the Department including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the applicant default. The performance bond for the construction of the proposed mitigation shall be posted in an amount equal to 115 percent of the estimated cost of construction of the mitigation activity. In addition, a maintenance bond to assure the success of the mitigation shall be posted in the amount equal to 30 percent of the estimated cost of construction. The performance and maintenance bonds will be reviewed annually and shall be adjusted to reflect current economic factors.

i. The performance bond or other surety will be released upon an inspection by the Department confirming completion of construction and planting of the mitigation site. The maintenance bond will be released upon the Department's confirmation that the three-year, post-planting monitoring period has been successfully completed and that no additional maintenance is required in order to meet the specifications of the approved mitigation plan.

4. Where the Department permits a mitigation surface area of less than 2:1, monitoring by the permittee at a frequency determined by the Department to be appropriate on a case-by-case basis shall be required. In such cases, additional mitigation or further remedial action shall be required at a level and within the forms determined to be appropriate on a case-by-case basis by the Department when the Department determines that a net loss of equal ecological value occurs. Under no circumstances shall the mitigation area be smaller than the disturbed area. Creation of wetlands from existing natural resources protected under the applicable Special Area Rules (N.J.A.C. 7:7E-3) is not an acceptable form of mitigation, nor is transfer of title of existing wetlands or intertidal or subtidal shallows to a government agency or conservation organization.

5. The Department will not consider a mitigation proposal in determining whether a project should be awarded a permit, but will require mitigation as a condition of any permit found to be acceptable under the criteria listed in N.J.A.C. 7:7A-3 and/or N.J.A.C. 7:7E-3.15 and 3.27.

6. As a condition of every creation or enhancement plan authorized under this subsection, an applicant shall sign a Department approved conservation easement and register this restriction on the deed for the subject parcel. This restriction will provide that no regulated activities will occur in the created or enhanced wetland area. This restriction shall be memorialized in a deed restriction meeting the Department's requirements and shall run with the land and be binding upon the applicant and the applicant's successors in interest in the premises or any part thereof. The permit will not become effective until the deed restriction is registered with the county clerk or Registrar of Deeds and Mortgages, if applicable. Any regulated activities undertaken on the site before a copy of the registered restriction is submitted to the Department will be considered in violation of these rules.

i. No future development will be permitted on the mitigation site unless the Department finds that the regulated activity has no practicable alternative which would:

- (1) Not involve a wetland site;
- (2) Involve a wetland but would have a less adverse impact on the aquatic ecosystem;
- (3) Not have other significant adverse environmental consequences, that is, it shall not merely substitute other significant environmental consequences, for those attendant on the original proposal; and
- (4) There is a compelling public need for the activity greater than the need to protect the mitigation site.

ii. To satisfy (h)6 above, the applicant shall provide a copy of the recorded document or a receipt showing that the restriction has been registered at the county clerk's office.

7. Except for publicly funded projects, as described at (h)7i below, any mitigation carried out off-site shall be on private property.

i. Mitigation for publicly funded projects may be carried out on public lands provided that these lands were private lands purchased by a public agency expressly for the purpose of performing mitigation.

8. Future development of the mitigation site is prohibited and as a condition of any permit which includes creation of a mitigation site, the owner shall be required to record a conservation easement governing that site.

9. The Department distinguishes between four types of mitigation: restoration, creation, enhancement, and contribution. Depending on the circumstances under which wetlands are lost or disturbed, different types of mitigation may be required by the Department. The types of mitigation are explained below, in decreasing order of their desirability:

i. Restoration refers to actions performed on the site of a regulated activity, within six months of the commencement of the regulated activity, in order to reverse or remedy the effects of the activity on the wetland and to restore the site to preactivity condition.

(1) Restoration shall be required at a ratio of one acre created to one acre lost or disturbed. If restoration actions are performed more than six months after the commencement of the regulated activity which disturbed the wetland, these actions will no longer be considered restoration, but will be considered creation, and will be governed by the provisions of (h)9ii(3) below.

(2) If restoration actions are performed on degraded wetlands offsite, these actions will be considered enhancement and will be governed by the provisions of (h)9iii below.

ii. Creation refers to actions performed to establish wetland characteristics, habitat and functions on:

(1) A non-wetlands site; or

(2) A former wetlands site which has been filled or otherwise disturbed such that it no longer retains wetland characteristics. If the site retains wetland characteristics such that it meets the definition of a degraded wetland pursuant to N.J.A.C. 7:7A-1.4, it is not eligible for use in creation. Rather, it is only eligible for enhancement activities pursuant to (h)9iii below. If the disturbance to a formerly wetlands site is the result of a violation of the Freshwater Wetlands Protection Act and/or the Wetlands Act of 1970, the Department may, at its discretion, condition an approval of a mitigation proposal, or a permit, or both, on the resolution of the violation.

(3) Creation will be required at a ratio of two acres created to one acre lost or disturbed. Under no circumstances shall the mitigation area be smaller than the disturbed area.

(4) Creation shall not be permitted on a site that retains wetlands characteristics.

iii. Enhancement refers to actions performed to improve the characteristics, habitat and functions of an existing, degraded wetland such that the enhanced wetland will have resource values and functions similar to an undisturbed wetland. The enhancement requirement will be determined on a case-by-case basis.

iv. Contribution refers to the donation of money or land. The Department will permit the donation of land only after determining that all alternatives to the donation are not practicable or feasible, or that the permanent protection of the land will provide ecological benefits equal to or greater than those resulting from the creation of wetlands. This determination will be made in consultation with the United States Environmental Protection Agency (USEPA) for freshwater wetlands. Monies donated shall be used for the purchase of land to provide areas for wetland losses, to provide areas for restoration of degraded wetlands, and to provide areas to preserve wetlands and transition areas determined to be of critical importance, and the transfer of funds for research to enhance the practice of mitigation. If money is donated, the Department will require an amount equivalent to the lesser of the following costs:

(1) Purchasing and enhancing existing degraded wetlands, resulting in preservation of wetlands of equal ecological value to those which are being lost; or

(2) Purchase of property and the cost of creation of wetlands of equal ecological value to those which are being lost.

v. If the Department determines that land may be donated as part or all of a contribution to mitigate for the destruction of freshwater wetlands, the Wetlands Mitigation Council must first determine that the donated land has the potential to be a valuable component of the wetlands ecosystem.

10. All mitigation projects shall be carried out on-site to the maximum extent practicable. Mitigation of wetlands, on-site or off-site, from other existing climax habitats is not practicable and is discouraged.

i. If on-site mitigation is found to be impracticable, off-site mitigation shall be considered and implemented within the same watershed or estuary if feasible.

11. All mitigation proposals submitted to the Department shall be prepared in accordance with N.J.A.C. 7:7E-3B.

(i) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended.
Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on cranberry bogs recodified to 3.29; text on wetlands recodified from 3.25 and amended to conform to Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.

Amended 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).

Case Notes

Federal court finding that land was wetland under federal definition required applicant for permit to concede that activity conflicted with state's coastal zone management program. Matter of Stoeco Development, Ltd., 262 N.J.Super. 326, 621 A.2d 29 (A.D.1993).

Project's exemption from permit requirements does not prevent state from finding proposed activity inconsistent with state's coastal zone management program. Matter of Stoeco Development, Ltd., 262 N.J.Super. 326, 621 A.2d 29 (A.D.1993).

Permit to fill wetlands granted by Army Corps of Engineers was not subject to state regulation. Matter of Waterfront Development Permit No. 87-1235-1 by Dept. of Environmental Protection to Union County Utilities Authority, 257 N.J.Super. 524, 608 A.2d 973 (A.D.1992).

Exclusive state regulation of isolated wetlands was provided by Freshwater Wetland Protection Act. Matter of Waterfront Development Permit No. 87-1235-1 by Dept. of Environmental Protection to Union County Utilities Authority, 257 N.J.Super. 524, 608 A.2d 973 (A.D.1992).

State regulation of upland development which had no direct effect on navigable waterways was not authorized by Waterfront Development Act. Matter of Waterfront Development Permit No. 87-1235-1 by Dept. of Environmental Protection to Union County Utilities Authority, 257 N.J.Super. 524, 608 A.2d 973 (A.D.1992).

Department of Environmental Protection was not required, in contested permit proceeding, to give notice that condition of mitigation might be imposed. *Baron v. New Jersey Department of Environmental Protection*, 93 N.J.A.R.2d (EPE) 75.

7:7E-3.28 Wetlands buffers

(a) Wetlands buffer or transition area means an area of land adjacent to a wetland which minimizes adverse impacts on the wetlands or serves as an integral component of the wetlands ecosystem (see Appendix, Figure 7). Wider buffers than those noted below may be required to establish conformance with other Coastal Rules, including, but not limited to, 7:7E-3.38 and 3.39.

1. A wetlands buffer or transition area of up to 150 feet in width shall be established adjacent to all wetlands defined and regulated under the Freshwater Wetlands Protection Act. (Refer to the Freshwater Wetland Protection Act Rules, N.J.A.C. 7:7A, for further guidance).

2. For all other wetlands, including wetlands regulated under the Coastal Wetlands Act of 1970, a wetlands buffer of up to 300 feet shall be established.

(b) Subject to (a) above, all wetlands buffers (that is, transition area) associated with wetlands subject to the Freshwater Wetlands Protection Act shall be regulated in accordance with the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.

(c) Development is prohibited in a wetlands buffer around all other wetlands, unless it can be demonstrated that the proposed development will not have a significant adverse impact and will cause minimum feasible adverse impact, through the use of mitigation where appropriate on the wetlands, and on the natural ecotone between the wetlands and surrounding upland. The precise geographic extent of the actual wetlands buffer required on a specific site shall be determined on a case-by-case basis using these standards.

(d) In areas of the coastal zone which are within the Hackensack Meadowlands District, the appropriate buffer width shall be determined in accordance with the requirements set forth in the Hackensack Meadowlands District Zoning Regulations.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

"Policy:" deleted from (b).

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on wet borrow pit margins recodified to 3.30 and amended to conform to Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A and N.J.A.C. 7:50-6.14.

Amended 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).

7:7E-3.29 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b) deleted; (b)1.-3. recodified as (b)-(d); (c) recodified as (e).

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on coastal bluffs recodified to 3.31.

Repealed 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).

Section was "Cranberry Bogs".

7:7E-3.30 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Subsection (b) deleted; (b)1.-6. recodified to (b)-(g); (c) recodified to (h).

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on intermittent stream corridors recodified to 3.32; text on wet borrow pit margins recodified and amended to conform to Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A; wet borrow pits are considered State open waters.

Repealed 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).

Section was "Wet Borrow Pit Margins".

7:7E-3.31 Coastal bluffs

(a) A coastal bluff is a steep slope (greater than 15 percent) of consolidated (rock) or unconsolidated (sand, gravel) sediment which is adjacent to the shoreline or which is demonstrably associated with shoreline processes.

1. The waterward limit of a coastal bluff is a point 25 feet waterward of the toe of the bluff face, or the mean high water line, whichever is nearest the toe of the bluff.

2. The landward limit of a coastal bluff is the landward limit of the area likely to be eroded within 50 years, or a point 25 feet landward of the crest of the bluff, whichever is farthest inland (see Appendix, Figures 7 and 8, incorporated herein by reference).

3. Steep slopes (N.J.A.C. 7:7E-3.34) are isolated inland areas with slopes greater than 15 percent. All steep slopes associated with shoreline processes or adjacent to the shoreline and associated wetlands, or contributing sediment to the system, will be considered coastal bluffs.

(b) Development is prohibited on coastal bluffs, except for linear development which meets the rule on Location of Linear Development (N.J.A.C. 7:7E-6.1) and shore protection activities which meet the appropriate Coastal Engineering Use rules (N.J.A.C. 7:7E-7.11).

(c) The stabilization of coastal bluffs with vegetation is encouraged.

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b) and (b)2 deleted; section recodified to reflect deletions.
Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on farmland conservation areas recodified to 3.33 and amended to reflect and support the State and local Farmlands Preservation and Agricultural Development and Retention Programs; text on coastal bluffs recodified from 3.29.

Amended 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).
Public Notice: Petition for Rulemaking; Coastal Permit Program Rules.

See: 28 N.J.R. 3674(a).
Public Notice: Action on petition for rulemaking.
See: 28 N.J.R. 3833(a).

7:7E-3.32 Intermittent stream corridors

(a) Intermittent stream corridors are areas including and surrounding surface water drainage channels in which there is not a permanent flow of water and which contain an area or areas with a seasonal high water table equal to or less than one foot. The inland extent of these corridors is either the inland limit of soils with a seasonal high water table depth equal to, or less than one foot, or a disturbance of 25 feet measured from the top of the channel banks, whichever is greater (see Appendix, Figures 7 and 9, incorporated herein by reference).

1. Where an intermittent stream corridor is also a wetland, the Wetlands rule (N.J.A.C. 7:7E-3.27) shall apply.

(b) Uses that promote undisturbed growth of native vegetation and wildlife habitat value are encouraged.

(c) Cutting, filling, damming, detention basins for runoff recharge, paving, structures or any other activities that would directly degrade the function of intermittent stream corridors, except for linear infrastructure for which there is no feasible alternate route, is prohibited.

(d) Intermittent streams not subject to the ebb and flow of the tide shall also comply with the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A).

(e) Rationale: See the OAL Note at the beginning of this subchapter.

(Agency note: N.J.A.C. 7:7E-3.33 through 3.35 are Special Land Areas)

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b) deleted; section recodified.
Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on steep slopes recodified to 3.34; text on intermittent stream corridors recodified from 3.30; intermittent stream corridors are considered State open waters.

Amended 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).

7:7E-3.33 Farmland conservation areas

(a) Farmland conservation areas are defined as any contiguous area of 20 acres or more (in single or multiple tracts of single or multiple ownership) with soils in the Capability Classes I, II and III or special soils for blueberries and cranberries as mapped by the United States Department of Agriculture, Soil Conservation Service, in National Cooperative Soil Surveys, which are actively farmed, or suitable for farming, unless it can be demonstrated by the applicant that new or continued use of the site for farming or farm dependent purposes is not economically feasible. Farming or farm-dependent purposes include nurseries, orchards, vegetable and fruit farming, raising grains and seed crops, silviculture (such as Christmas tree farming), floriculture (including greenhouses), dairying, grazing, livestock raising, and wholesale and retail marketing of crops, plants, animals and other related commodities.

(b) Farmland conservation areas shall be maintained and protected for open space or farming purposes. Farming or farm-dependent uses are permitted uses in farmland conservation areas. Housing is permitted only if it is an accessory use to farming. Mining is permitted only in accordance with a reclamation plan which meets the requirements of the Mining Use rule (N.J.A.C. 7:7E-7.8).

(c) Continued, renewed, or new farming is encouraged in farmland conservation areas.

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Section substantially amended.
Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on dry borrow pits recodified to 3.35; text on farmland conservation areas recodified from 3.31, with amended definition of Area.

Amended 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).

7:7E-3.34 Steep slopes

(a) "Steep slopes" are land areas with slopes greater than 15 percent, which are not adjacent to the shoreline and therefore not coastal bluffs (see N.J.A.C. 7:7E-3.30). Steep slopes include natural swales and ravines, as well as man-made areas, such as those created through mining for sand, gravel, or fill, or road grading. Slopes of less than 15 percent are not considered to be steep slopes (see Resource Policy on Soil Erosion and Sedimentation, N.J.A.C. 7:7E-8.8).

(b) Development on steep slopes is discouraged unless its use is essential to a reasonable use of the site and it can be shown to the satisfaction of the Division that the development will:

1. Produce minimum feasible site disturbance;
2. Provide for maximum feasible vegetation of the steep slope, especially with native woody vegetation;
3. Be consistent with the natural contour of the site to the maximum extent feasible; and
4. Include limited stabilization measures, if necessary, such as terracing and paving, that are consistent with the natural or predevelopment character of the entire site, to the maximum extent practicable; and
5. Meet the Resource Policies for Runoff, and Soil Erosion and Sedimentation (N.J.A.C. 7:7E-8.7 and 8.8).

(c) Rationale: See the OAL Note at the beginning of this subchapter.

(Agency note: N.J.A.C. 7:7E-3.35 through 3.48 are Coastwide and Regional Special Areas)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b) amended.

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on historic and archeological resources recodified to 3.36; text on steep slopes recodified from 3.32.

7:7E-3.35 Dry borrow pits

(a) "Dry borrow pits" are excavations for the purpose of extracting coastal minerals which have not extended below the groundwater level. This includes, but is not limited to, dry sand, gravel and clay pits, and stone quarries.

(b) Surface mining is conditionally acceptable, provided the Mining Use Policies (N.J.A.C. 7:7E-7.8) are complied with.

(c) Channeling clean surface runoff into dry sand and gravel pits for the purposes of aquifer recharge is encouraged. Pavement runoff may be channeled into dry borrow pits provided that it is adequately filtered to remove pavement contaminants.

(d) Discharge of clean effluent from liquid waste treatment facilities for aquifer recharge is encouraged (e.g., tertiary sewage effluent), provided groundwater quality is monitored and maintained.

(e) Storing water in impermeable dry borrow pits is conditionally acceptable.

(f) Dredge spoil disposal is conditionally acceptable provided that:

1. The spoil will not degrade groundwater quality;
2. The spoil is of a particle size that will not disturb groundwater hydrology; and
3. Spoil disposal is compatible with neighboring uses.

(g) Solid waste disposal other than clean dredge spoil, and not including radioactive or carcinogenic waste, is conditionally acceptable on a case-by-case basis provided that:

1. Waste disposal is compatible with neighboring uses;
2. The borrow pit is lined with clay, plastic or other impermeable material; leachate is collected, treated and discharged to the ground through an injection well or other technique that will not degrade groundwater quality; and maintenance will be available for the life of the landfill;
3. The solid waste is stacked and interlayered with inert material;
4. A reclamation plan is submitted with the application showing naturalistic final grading, surface improvement with topsoil and organic additives and planting to initial native successions with guarantees of survival for the first five years;
5. Elevations of landfill do not exceed original surface elevations before mining;
6. The reclamation proposals are worked toward during dumping, and completed at conclusion; and
7. The applicant can demonstrate that even during accidental failure of a treatment plant, the leachate cannot degrade ground or surface water.

(h) Filling or grading for construction is conditionally acceptable provided that:

1. Other coastal policies are satisfied; and
2. The fill is clean and of a texture not to disturb local groundwater flow.

(c) Coastal activities under the jurisdiction of the HMDC shall not require a Freshwater Wetlands permit, or be subject to transition area requirements of the Freshwater Wetlands Protection Act, except that discharge of dredged or fill materials may require a permit issued under the provisions of Section 404 of the Federal Water Pollution Control Act of 1972 as amended by the Federal Clean Water Act of 1977, or under an individual or general permit program administered by the State under the provisions of the Federal Act and applicable State laws.

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Added text in (b), "The Division will ... other environmental resources."

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on geodetic control reference marks recodified to 3.47; text on Hackensack Meadowlands District recodified from 3.43.

7:7E-3.46 Wild and Scenic River Corridors

(a) "Wild and Scenic River Corridors" are components of the New Jersey Wild and Scenic Rivers System designated by the DEP Commissioner under N.J.S.A. 13:8-45 et seq. River corridors include the river and adjacent upland to the limit of the Flood Hazard Area or to the limit of State owned lands, whichever is furthest inland.

1. "Wild and Scenic River Corridors" shall also mean any river adopted into the National Wild and Scenic Rivers System or any rivers or segments thereof being studied for possible inclusion into that system pursuant to the Wild and Scenic River Act (16 U.S.C. §§ 1271-1278). River corridors established under the Federal Wild and Scenic River Act shall include the river and adjacent areas defined as the Wild and Scenic River Corridor by the River Management Plan. For rivers under study for possible inclusion into the National System, the river corridor shall include the river and adjacent area extending one-quarter mile on each side of the river from annual mean high water.

(b) Policy relevant to Wild and Scenic River Corridors is as follows:

1. Development may be permitted in designated river areas in accordance with N.J.A.C. 7:38-1, including special regulations for a particular river, or sections thereof, adopted upon designations to the New Jersey Wild and Scenic Rivers System.

2. Development which provides general public recreational use of and access to a designated river area, consistent with classification and flood plain regulations, is encouraged.

3. Development must be consistent with all other coastal policies, in particular the performance standards

found in the Flood Hazard Areas Resource Policy (7:7E-8.23) and Other Special Areas policies.

4. Development which would have an adverse effect on the values for which a river is being considered as a potential addition to the National Wild and Scenic Rivers System, including but not limited to the scenic, recreational, and fish and wildlife attributes of the river corridor, is prohibited.

5. Development shall conform to the standards set forth by the the locally adopted River Management Plan.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

(d) River Corridors will be administered according to N.J.A.C. 7:38-1, according to four classifications:

1. "Wild", meaning a river or section thereof, that is free of impoundment, and generally inaccessible by trail, with watershed or shoreline essentially primitive and undeveloped and water unpolluted. Wild river areas are also consistent with Natural Areas;

2. "Scenic", meaning a river, or section thereof, that is free of impoundment, with watershed or shoreline still largely primitive and undeveloped, but accessible in places by road;

3. "Recreational", meaning a river, or section thereof, that is readily accessible, that may have some shoreline development, and that may have undergone some impoundment or diversion; and

4. "Developed recreational", meaning a river, or section thereof, that is readily accessible, that may have substantial shoreline development, that may have undergone substantial impoundment or diversion, but which remains suitable for a variety of recreational uses.

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on Hudson River Waterfront Area recodified to 3.48; text on wild and scenic river corridors recodified from 3.44, expanded to include those corridors protected under the Federal Wild and Scenic River Act (16 U.S.C. §§ 1271-1278); development restricted by new (b)4 and 5.

7:7E-3.47 Geodetic control reference marks

(a) "Geodetic control reference marks" are traverse stations and benchmarks established or used by the New Jersey Geodetic Control Survey pursuant to P.L. 1934, C.116. They include the following types:

1. Monument-(Mon), Disk-(DK): A standard United States Coast and Geodetic Survey or New Jersey Geodetic Control Survey disk set in a concrete post, pavement, curb, ledge rock, etc., stamped with a reference number, and used for both horizontal and vertical control.

2. Point (Pt.): A State highway, tidelands (riparian), city, etc. survey marker represented by a chiseled cross, punch hole, brass plug, etc. used for horizontal and

vertical control. These stations are not marked, but if there should be an enclosing box, the rim is stamped with a number.

3. Rivet-(Rv.): A standard metal rivet set by the New Jersey Geodetic Control Survey, used for vertical control.

4. Mark-(Mk.): Same as point, but used only for vertical control. In the description of such marks there should appear a mark number followed by an equality sign and then the original name or elevation of the bench mark, and in parentheses the name of the organization which established the mark.

(b) The disturbance of a geodetic control reference mark is discouraged. When a geodetic control reference mark must be moved, raised or lowered to accommodate construction, the New Jersey Geodetic Control Survey shall be contacted at least 60 days prior to disturbance, and arrangements shall be made to protect the position. If the position can not be protected, it may be altered in position after approval by the New Jersey Geodetic Control Survey and under the supervision of a licensed professional engineer or land surveyor using standard methods. Copies of field notes and instruments, tape, and rod specifications including calibration data, shall be submitted to the New Jersey Geodetic Control Survey.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

New Rule R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on geodetic control reference marks recodified from 3.45.

7:7E-3.48 Hudson River Waterfront Area

(a) The following terms, when used in this section, shall have the following meanings:

1. "Average building height" is defined as the mean height of the roof line of a building on a pier measured from the pier deck level to the top of the parapet or the midpoint of a sloped roof above pier deck level.

2. "The Hudson River Waterfront Area" extends from the George Washington Bridge in Fort Lee, Bergen County to the Bayonne Bridge in Bayonne, Hudson County, inclusive of all land within the municipalities of Bayonne, Jersey City, Hoboken, Weehawken, West New York, Guttenberg, North Bergen, Edgewater and Fort Lee subject to the Waterfront Development Law.

3. "Landward end of pier" means the end of the pier at its point of attachment to the upland.

4. "Pier" means a pile supported, decked structure extending from upland over water. The longest axis of a pier is generally perpendicular to the shoreline. See "platform" below.

5. "Pier deck level" means the lowest deck surface that is at or above base flood elevation (the water surface elevation of a 100-year flood as defined by the Federal Emergency Management Agency).

6. "Platform" means a pile supported, decked structure extending from upland over water. The longest axis of a platform is generally parallel to the shoreline. See "pier" above.

7. "Walkway" means areas along the waterfront, including areas on piers, that are devoted to activities by the public such as but not limited to walking, jogging and bicycle riding.

8. "Waterward end of pier" means the end of a pier most distant from its point of attachment to the upland.

(b) Non-industrial development within the Hudson River Waterfront Area shall conform with the criteria as set forth in (d) below, which govern allowable building height, massing and public access. Industrial development, including water dependent transportation (passenger and vehicular) and cargo handling facilities, shall conform with the criteria to the extent practical consistent with public safety and the operational requirements of such facilities.

(c) Hudson River Waterfront Area development shall be consistent with all other applicable Coastal Resource and Development Policies with particular attention given to N.J.A.C. 7:7E-3.38 Public open space, N.J.A.C. 7:7E-3.39 Special hazards areas, N.J.A.C. 7:7E-3.41 Special urban area, N.J.A.C. 7:7E-7.14 High rise structures, N.J.A.C. 7:7E-8.11 Public Access to the Waterfront, N.J.A.C. 7:7E-8.12 Scenic Resources and Design, and N.J.A.C. 7:7E-8.4 Water Quality.

(d) The following standards apply to all developments proposed on piers and will be used by the Division as a guide for developments proposed on platforms. In some cases, a platform may, in effect, function as upland and, thus, be more appropriately reviewed under policies that regulate upland development. Developers proposing platform development that does not adhere to this section's requirements are encouraged to contact the Division for guidance when conceptual plans have been prepared.

1. Non-industrial development upon piers is conditionally acceptable provided that specific amounts of usable landscaped public open space are incorporated into the project, as provided below:

i. The minimum length of public open space at the landward end of a pier required for any building less than or equal to 40 feet in average height shall be 20 feet;

ii. The minimum length of public open space at the landward end of a pier required for any building above 40 feet in average height shall be computed as follows:

Minimum length of landward open space = $\frac{(ABH)^2}{40 \text{ feet}} - (2 \times ABH) + 60 \text{ feet}$

Example: Average Height	Minimum Landward Open Space Length
80 feet	60 feet
70 feet	42.5 feet
60 feet	30 feet
50 feet	22.5 feet
40 feet	20 feet;

iii. The minimum length of distal public open space at the waterward end of a pier required for any building less than or equal to 40 feet in average height shall be 20 feet;

iv. The minimum length of public open space at the waterward end of a pier required for any building above 40 feet in average height shall be computed as follows:

$$\text{Minimum length of waterward open space} = \frac{(ABH)^2}{16 \text{ feet}} - (5 \times ABH) + 120 \text{ feet}$$

Example: Average Height	Minimum Waterward Open Space Length
80 feet	120 feet
70 feet	76 feet
60 feet	45 feet
50 feet	26 feet
40 feet	20 feet;

v. The area of public open space at the ends of piers required by this section shall be the minimum length times the width of the pier. The public open space areas do not have to occupy the entire width of the pier for the full minimum length required, and do not have to be entirely at pier deck level, provided the following criteria are satisfied:

(1) Public open space at each pier end, that covers the full width of the pier, shall be at least 20 feet in length or 70 percent of the minimum length, as determined above at (d)1i through iv above, whichever is greater;

(2) The remaining area of public open space (up to 30 per cent of the minimum length times the average width of the pier) must be contiguous with the public open space at the end of the pier; and

(3) Up to 50 per cent of the public open space at pier ends may be elevated up to 12 feet above pier deck level provided that easy access is provided between elevated and pier deck level public open space areas, for able bodied and disabled people;

vi. At least one public access walkway of at least 16 feet in width shall be provided along the entire length of a pier, from the waterward end to the landward end at the point at which it abuts the Hudson River Waterfront Walkway. All such walkways shall be at pier deck level or ramped so that disabled access is provided between the public open space areas at both ends of a pier;

vii. Where piers are less than 400 feet apart, the heights, as allowed by this section, shall be further reduced by 20 percent for each pier. No reduction of

open space will be allowed as a result of this height reduction; and

viii. Development that reuses existing structures on piers shall comply with the above criteria to the maximum practical extent; and

ix. All pier structures shall conform with applicable Federal flood hazard reduction standards as found in 44 C.F.R. Part 60 and in the Uniform Construction Code, N.J.S.A. 52:27D-1 et seq.

(e) All waterfront development along the Hudson River shall develop, maintain and manage a section of the Hudson Waterfront Walkway coincident with the shoreline of the development property. The developer shall, by appropriate instrument of conveyance create a conservation easement in favor of the Department. The conservation easement shall define the physical parameters of the walkway and the allowable uses, address the maintenance and management duties and identify the responsible party. Development of each project's public access system shall conform to this special area policy and to the Hudson Waterfront Walkway Planning and Design Guidelines (1984) and the Hudson Waterfront Walkway Design Standards (1989), subject to the following clarification:

1. With the exception of water dependent industrial uses, all Hudson River pier development shall provide unrestricted, landscaped public access as required by (d) above. Public access on piers shall be on a 24-hour basis, but the Division will consider requests to limit access late at night if the applicant submits an enforceable agreement to ensure that access will be maintained for the agreed upon hours. Public access to the main route of the Hudson Waterfront Walkway shall be on a 24-hour basis.

2. Water dependent industrial piers shall provide linear public access and/or public access observation nodes as feasible, consistent with public safety.

3. Within all public access corridors and public open space areas on piers, pedestrians shall have a declared right of way over vehicles. Public access corridors may be used for emergency vehicular access, but shall not serve as service or general vehicular roadways. All instances of vehicular/pedestrian crossing shall be designated to assure motorists are aware they are crossing a pedestrian right of way. Stop signs, speed bumps and similar design techniques shall be used as necessary.

(f) Applications which vary in detail from the standards of this policy are discouraged, but will be considered for approval if they would provide greater public access and/or protection of natural or scenic resources than would be afforded by strict policy compliance.

New Rule, 1988 d.338, effective August 15, 1988.
 See: 20 N.J.R. 139(a), 20 N.J.R. 2058(b).
 Amended by R.1989 d.271, effective May 15, 1989.
 See: 20 N.J.R. 1982(a), 21 N.J.R. 1332(b).

Change at (d) from all walkways being 15 feet in width to providing at least one of at least 16 feet in width.

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on Hudson River Waterfront Area recodified from 3.46; requirement for easement to DEP added at (e) design standards and guideline references updated.

Law Review and Journal Commentaries

Environmental Law. On the Waterfront. Lewis Goldshore and Marsha Wolf, 157 N.J.L.J. 1180.

7:7E-3.49 Atlantic City

(a) Atlantic City is those lands within the municipal boundary of the City of Atlantic City.

(b) "Casino hotels" are hotels with casinos as provided for in the Casino Control Act (P.L. 1977, c.100, as amended).

1. Casino hotel development in Atlantic City shall be located in the city's traditional resort area (along the Boardwalk), and in the State Marina area to the maximum extent practicable. For the purpose of this section, the State Marina area is the area bounded by Clam Creek, Absecon Inlet, Clam Thorofare, Penrose Canal, Absecon Boulevard, Huron Avenue, and Maryland Avenue to Magellan Avenue, across Delta Basin.

i. Casino hotel development is discouraged in existing residential areas and in areas where access by public transportation between the proposed hotel-casino and the Boardwalk is limited.

ii. Casino hotel development is discouraged along the access highways to Atlantic City that is, along the entire Atlantic City Expressway, Route 40 north and west of Beach Thorofare and Route 30 northwest of Penrose Canal.

iii. Casino development is encouraged in Atlantic City to ensure that the objectives of the 1976 constitutional referendum on casino gambling, including the stimulation of new construction and the revitalization of Atlantic City and its region, are achieved.

(c) The following standards apply to all development proposed on or over the existing ocean piers listed at (c)1 below.

1. Existing ocean piers (piers) are limited to the footprint of the following five piers, as depicted on the Department's 1995-1997 National Aerial Photographic Program imagery (GIS):

i. Garden Pier;

ii. Steel Pier;

iii. Steeplechase Pier, except that Steeplechase Pier may be connected to the Boardwalk provided the connecting portion of the pier does not exceed the width of the existing Steeplechase Pier;

iv. Central Pier; and

v. Million Dollar Pier (Ocean One).

2. Residential development is prohibited on the existing ocean piers except where a waiver of strict compliance with the municipal flood damage prevention ordinance has been granted by the Federal Emergency Management Agency for a hotel to be located over the water.

3. The development proposed on the pier must have an evacuation plan approved by the Atlantic City Office of Emergency Management.

4. A minimum of 50 percent of the total floor area of any building constructed on the pier shall be devoted to publicly accessible, non-casino entertainment and recreation.

5. The height of the structures on the pier shall not exceed 100 feet above the deck surface of the Boardwalk, except for decorative architectural elements and amusement rides which shall not exceed 200 feet. There shall be no occupancy above the 100 foot elevation.

6. The height of the structures on the pier shall not exceed 50 feet above the deck surface of the Boardwalk within 100 feet of the property line in common with the Boardwalk.

7. A building setback of 50 feet shall be maintained from the seaward end of the pier. If a building is 50 feet or more in height, an additional 20 feet setback from the seaward end of the pier is required.

8. Public access shall be provided in accordance with all of the following:

i. The development shall provide a means for pedestrians to walk along the dry beach under the pier from one side to the other, except where the beach is so narrow as to preclude such passage;

ii. A stairway shall be provided from the pier to the beach and from the Boardwalk to the beach on the southwesterly side of the pier, where the pier intersects the Boardwalk and, on the northeasterly side of the pier, either where the pier intersects the Boardwalk or on the Boardwalk within 50 feet of the point at which the pier intersects the Boardwalk;

iii. Publicly accessible open space, including lighted public seating and viewing and, where appropriate, fishing areas, shall be provided at the seaward end of the pier at the level of the deck surface of the Boardwalk. The publicly accessible open space shall occupy the entire width of the pier (parallel to the ocean shoreline in a northeast-southwest direction) for a distance of 50 feet landward from the end of the pier. The area between 30 and 50 feet inland from the end of the pier may be occupied by outdoor dining and food concessions and be partially enclosed, through the use of awnings, canopies, and windbreaks. No other structures shall be placed in this area;

(j) Mitigation shall be provided for development within the right-of-way of a street located perpendicular to the Atlantic Ocean and southeast of Pacific Avenue, except for those developments listed in (i) above, in accordance with the following:

1. The amount to be paid in mitigation shall be calculated as follows:

i. For development within a street right-of-way at grade, or below a height of 14 feet six inches above grade, the amount of mitigation is five times the property tax on the assessed value of the right-of-way area to be developed. The assessed value is an average of the value of the land on both sides of the area to be developed; and

ii. For development within a street right-of-way at a height of 14 feet six inches or greater above grade, the amount of mitigation is three times the Atlantic City tax on the assessed value of the right-of-way area to be covered by development. The assessed value is an average of the value of the land on both sides of the right-of-way area to be covered by development;

2. Mitigation monies shall be paid in full to the Casino Reinvestment and Development Authority prior to the commencement of construction; and

3. Mitigation monies paid to the Casino Reinvestment and Development Authority in accordance with (j)1 and 2 above, shall be designated only for acquisition and/or improvement of lands for public access and public parks along the oceanfront and inlet. If the money is used for these improvements within a street-end, the money shall be used only in a street-end listed in (f) above.

(k) Standards relevant to intercept parking are as follows:

1. Each hotel-casino facility located in Atlantic City shall provide one of every five non-Absecon Island and non-Brigantine Island resident hotel-casino employees commuting during the daily peak hour with an intercept space. Absecon Island residents are residents of Atlantic City, Margate, Ventnor and Longport. Brigantine Island residents are residents of the City of Brigantine. Nobsecon Island and non-Brigantine Island resident employees commuting during the daily peak hour is the sum of the number of non-Absecon Island and non-Brigantine Island resident employees of the shift with the largest number of employees plus the number of non-Absecon Island and non-Brigantine Island resident employees of the next largest adjoining shift. This intercept parking space shall be located off Absecon and Brigantine Islands, specifically outside of the municipal boundary of the five municipalities identified above. If off-island sites are not available, temporary use of other sites is conditionally acceptable if an applicant can demonstrate that it will be moved to an off-island site within one year.

2. Alternatives that would reduce vehicle miles traveled and peak hour employee travel demand may be

substituted for the employee intercept parking space requirements for casino facilities. The Department will review proposed alternatives in consultation with the Department of Transportation. The Department will approve alternatives, which it determines will reduce vehicle miles traveled and peak-hour employee travel by at least as much as would result from furnishing intercept parking as described above. Acceptable alternatives include, but are not limited to, employee subsidies for bus, rail transit, van pools, and/or bicycle programs.

3. Alternative scheme proposals must include documentation indicating the existing travel pattern and mode of travel characteristics of non-Absecon and non-Brigantine Island resident employees. This information shall be provided to the Department along with the necessary data used to establish the vehicle miles traveled and peak hour employee travel demand with and without the proposed peak hour traffic reduction program. All proposals shall include a monitoring program to be submitted to the Department to verify the success of the proposed traffic reduction program, update the employee travel characteristics pattern, and serve as a basis for future adjustments if necessary.

(l) Development in Atlantic City shall be constructed in conformance with this section and with all other applicable provisions in this chapter.

New Rule, R.2000 d.45, effective February 7, 2000.
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

SUBCHAPTER 3A. STANDARDS FOR BEACH AND DUNE ACTIVITIES

7:7E-3A.1 Standards applicable to routine beach maintenance

(a) Routine beach maintenance includes debris removal and clean-up; mechanical sifting; maintenance of access ways; removal of sand from street ends, boardwalks/promenades and residential properties; the repair or reconstruction of existing boardwalks, gazebos and dune walkover structures; and limited sand transfers from the lower beach to the upper beach or alongshore (shore parallel). Sand transfers from the lower beach profile to the upper beach profile are specifically designed to restore berm width and elevation, to establish/enhance dunes and to repair dune scarps. Activities which preclude the development of a stable dune along the back beach are not considered to be routine beach maintenance activities, pursuant to this section. Specifically, the bulldozing of sand from the upper beach (berm) to the lower beach (beach face), for the purpose of increasing the berm width or flattening the beach profile, is not considered to be routine maintenance.

1. If the activities in (a) above are proposed to be conducted by a municipal or county agency on property owned by that governing body, then the municipal or county engineer must certify that the activities will be conducted in accordance with these standards. The appropriate municipal or county engineer is responsible for ensuring compliance with these requirements. If these activities are proposed to be conducted on privately owned property, then the property owner is responsible for ensuring that the activities will be conducted in accordance with these standards. If these activities are proposed to be conducted on State owned properties, then the DEP, Bureau of Construction and Engineering must certify that the activities will be conducted in accordance with these standards.

2. All guidelines and specifications of this section must be incorporated into any contract documents or work orders related to proposed beach and dune activities, as described in this section. The Land Use Regulation Program is available to assist in the development of specific maintenance plans for oceanfront locations, upon request.

(b) Projects involving the mechanical redistribution of sand from the lower beach profile to the upper beach profile, or alongshore, are acceptable, in accordance with the following standards:

1. The amount of sand transferred at any one time shall be limited to one foot scraping depth at the borrow zone. This borrow zone may not be rescraped until the sand volume from the previous scraping activities has been fully restored.

2. The borrow zone shall be limited to the area between the low water line and the inland limit of the berm. It is strongly recommended that a program of beach profiling be utilized to monitor the condition of the beaches and to ensure compliance with the standards of this section.

3. If the purpose of the sand transfers is to repair eroded dunes (dune scarps), all filled areas shall be stabilized with sand fencing and planted with beach grass in accordance with DEP and/or SCS standards. Fencing shall be in place within 30 days of the transfer operation, while the vegetative plantings may be installed during the appropriate seasonal planting period (October 15 through March 31, anytime the sand is not frozen).

4. There shall be no disturbance to existing dune areas.

5. In areas of documented habitat for endangered nesting shorebirds (Piping Plovers and Least Terns), no sand transfers shall take place between April 1 and August 1. The Land Use Regulation Program, in coordination with the Division of Fish, Game and Wildlife, will determine affected areas.

6. Records of all sand transfer activities shall be maintained by the property owner, beach association, governmental agency or other authority conducting the activities, and shall be available for inspection by the Department, upon request. These records shall include, but not be limited to, dates of transfer, borrow area limits, fill area limits, estimates of the amount of sand transferred, the name of the person(s) supervising the transfer activities, and the engineering certification required (if appropriate) for all sand transfer activities.

7:7E-3A.2 Standards applicable to emergency post-storm beach restoration

(a) This section on emergency post-storm beach restoration will apply to all beaches which are impacted by coastal storms with a recurrence interval equal to or exceeding a five-year storm event.

(b) Beach restoration activities, as part of an emergency post-storm recovery, include: the placement of clean fill material with grain size compatible with (or larger than) the existing beach material; the bulldozing of sand from the lower beach profile to the upper beach profile; the along-shore transfer of sand on a beach; the placement of concrete or rubble; and the placement of sand filled geotextile bags or tubes. The placement of sand filled geotextile bags or tubes is preferred to the placement of concrete, rubble or other material.

(c) The emergency post-storm beach restoration activities in (b) above should be designed and implemented as a means to restore the beaches to the pre-storm condition, or to restore the beaches to a level sufficient to provide protection from a storm event with a minimum recurrence interval of five years (five-year storm protection). For the purpose of this section, five-year storm protection equates to a minimum 30-foot wide berm at elevation +8 Mean Sea Level (NAD, 1983). Restoration beyond the pre-storm beach condition is encouraged by the Department, but will not be considered "emergency post-storm beach restoration," pursuant to this section.

(d) The bulldozing of sand from the lower beach profile to the upper beach profile, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. Bulldozing is limited to the beach area landward of the low water line. Removal of material from below the low water line is considered dredging, and is not authorized pursuant to this section; and
2. The beach face cannot be graded to a slope steeper than 1:3.

(e) The longshore transfer of sand from one beach area to another, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. No disturbance to existing dune areas is permitted;
2. Sand borrow areas shall not be bulldozed to a depth which exceeds one foot;
3. The borrow areas may not be rescraped until full sand volume recovery has occurred; and
4. An adequate supply of sand is available at the borrow area site, so that the relocation of this material will not decrease the level of protection adjacent to the borrow area.

(f) The placement of sand filled geotextile bags or tubes, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. The bags or tubes shall be placed along the toe of any scarped dune, or seaward of the dune toe, and not on the dune itself; and
2. The tubes or bags should be tapered at the end of the project area, to minimize the impact to adjacent areas which are not protected by the bags/tubes.

(g) The placement of sand, gravel, rubble, concrete, or other inert material, as part of an emergency post-storm beach restoration plan, is acceptable, in accordance with the following standards:

1. All material shall be non-toxic sand, gravel, concrete, rubble, or other inert material;

2. The placement of concrete or rubble shall be temporary in nature, and is not to be used as permanent protection, unless it is part of a DEP approved, engineered design for permanent shore protection;

3. All concrete and rubble placed on the beach shall be removed within 90 days, unless the placement is part of a DEPE approved, engineered design for permanent shore protection; and

4. The use of automobiles, tires, wood debris, asphalt, appliances or other solid waste is prohibited.

7:7E-3A.3 Standards applicable to dune creation and maintenance

(a) Dune creation and maintenance includes the placement and/or repair of sand fencing (including wooden support posts), the planting and fertilization of appropriate dune vegetation, the maintenance and clearing of beach access pathways less than eight feet in width, and the construction or repair of approved dune walkover structures. Bulldozing, excavation, grading, vegetation removal or clearing, and relocation of existing dunes are not authorized pursuant to this section.

(b) All dune creation and maintenance activities should be conducted in accordance with the specifications found in Guidelines and Recommendations for Coastal Dune Restoration and Creation Projects (DEP, 1985), and/or Restoration of Sand Dunes Along the Mid-Atlantic Coast (Soil Conservation Service, 1992). The Department will provide site specific technical assistance for dune creation and maintenance projects, upon request.

(c) All proposed dune vegetation should be limited to the following coastal species: American Beachgrass (*Ammophila breviligulata*), Coastal Panicgrass (*Panicum amarulum*), Japanese Sedge (*Carex kobomugi*), Bayberry (*Myrica pennsylvanica*), Rugosa Rose (*Rosa rugosa*), Beach Plum (*Prunus maritima*), Shore Juniper (*Juniperus conferta*), and Japanese Black Pine (*Pinus thunbergii*). Although they may not be currently available from commercial nurseries at this time, the following plant species are also well suited to the dune environment: Seaside Goldenrod (*Solidago sempervirens*), Dusty Miller (*Artemisia stelleriana*), Beach Pea (*Lathyrus japonicus*), Sea Oats (*Uniola paniculata*), Bitter Panicgrass (*Panicum amarum*), and even Saltmeadow Cordgrass (*Spartina patens*).

1. American beachgrass is the preferred species for the stabilization of newly established dunes, and for stabilization of the primary frontal dune. Woody plant species are suitable for back dune and secondary dune environments. Herbaceous plant species are preferred as supplemental plantings for all dune areas.

2. Dune vegetation should be diversified as much as possible, in an effort to provide continuous stabilization in the event that pathogens reduce or eliminate the effectiveness of one species. A complex of associated grasses,

herbaceous species and woody species is preferred to the planting of one species.

(d) The construction of elevated timber dune walkover structures shall be in accordance with the standards and specifications (or similar specifications) described in Beach Dune Walkover Structures (Florida Sea Grant, 1981). The construction of elevated dune walkover structures, particularly at municipal street-ends and other heavily used beach access points, is preferred to the construction of pathways or walkways through the dunes.

1. Copies of the DEP and Florida Sea Grant reports are available from the DEP, Land Use Regulation Program, CN 401, Trenton, NJ 08625. Copies of the Soil Conservation Service report are available directly from the Soil Conservation Service, Plant Materials Center, 1536 Route 9 North, Cape May Court House, NJ 08210.

(e) The construction of at-grade dune walkovers is acceptable only at single family and duplex residential dwellings, subject to the following conditions:

1. Only one walkover per residential building is allowed;
2. The width of the walkover must not exceed four feet;
3. The walkover shall be fenced on both sides through the use of sand fencing;
4. The use of unrolled sand fencing as a base for the walkover is preferred to the use of planks and boards. Sand fence based walkovers allow for easier seasonal removal and placement, and allow for greater growth of beachgrass, while still providing an adequate base for pedestrian traffic; and
5. Solid boardwalk type walkovers shall be elevated at least one foot above the dune, to allow for movement of sand and vegetative growth under the boardwalk structure.

(f) The controlled use of discarded natural Christmas trees for the purpose of dune stabilization is generally discouraged, but may be acceptable, in accordance with the standards set forth below. Discarded Christmas trees serve the same function as sand fencing, by trapping wind blown sand and facilitating sand deposition and dune formation. However, uncontrolled or inappropriate placement of trees will hinder the development of dunes and may present a fire hazard.

1. Only natural, coniferous trees are suitable for use in dune stabilization. The use of tree limbs, clippings, artificial trees, and other dead vegetation is prohibited;
2. Trees should be placed at least 100 feet landward of the high water line, in areas which are generally not subject to spring tidal inundation and wave swash action;

3. The placement of trees should be oriented against the prevailing winds, in either a straight line or zig-zag formation;

4. The trees should be installed by overlapping the stump end of one tree with the pointed end of another, and then anchoring the connection point with a sufficient amount of sand to hold the trees in place;

5. Newly placed trees should be monitored to ensure that the trees remain anchored and do not become dislodged. Additional quantities of sand or wooden anchor stakes may be used to hold the trees in place until they become stabilized; and

6. All newly deposited sand should be stabilized through the planting of beachgrass, during the appropriate planting season.

7:7E-3A.4 Standards applicable to the construction of boardwalks

(a) The construction of oceanfront or bayfront boardwalks should address a number of engineering concerns related to structural support, resistance to vertical and horizontal water and wind loads, and scouring. The construction of boardwalks along tidal shoreline is acceptable, in accordance with the following standards:

1. All timber support piles shall be a minimum of eight inches in diameter;
2. Support piles should be driven to a depth of at least -10 feet (mean sea level), for all V-zone locations. In A-zones, the depth of penetration should be at least -five feet (mean sea level);
3. The method for insertion of piles should be a pile driver or drop hammer;
4. All support joists and timber connections should be anchored through the use of hurricane clips or metal plates; and
5. All metal fasteners, including but not limited to bolts, screws, plates, clips, anchors and connectors, shall be hot dipped galvanized.

SUBCHAPTER 3B. INFORMATION REQUIRED IN WETLAND MITIGATION PROPOSALS

7:7E-3B.1 Mitigation proposal requirements

(a) Mitigation proposals based on the disturbance of freshwater wetlands must also conform to the standards found at N.J.A.C. 7:7A-14.4. All mitigation proposals submitted to the Land Use Regulation Program shall include, but not be limited to:

1. An introduction describing the wetland mitigation proposal. The introduction should include the specific goals of the mitigation proposal and a discussion of how the mitigation proposal will satisfy those goals;
2. A description (that is, size, type, vegetation, hydrology, etc.) of the wetlands that are being destroyed or disturbed;
3. Photographs of the proposed mitigation site;
4. The names and addresses of current and proposed owner(s) of the mitigation project site;
5. A description of the existing ecosystem of the mitigation site, including a discussion of the vegetation, soils, and hydrology, wildlife and adjacent land use;
6. A discussion relative to the proposed hydrology of the mitigation site. The discussion should focus on the sources of water for the mitigation project, provide seasonal high water table information as well as the projected elevation of final grade of the mitigation project in relation to mean sea level (MSL), along with slope percent;
7. The tidal range of the mitigation site and the salinity range of adjacent inundating waters;
8. The existing soils types with soil borings to document seasonal high water tables, with a discussion relating to the created substrate of the proposed mitigation site, including a description of how the substrate of the site will be prepared, whether the pH is appropriate and any other pertinent factors;
9. A planting scheme of the proposed vegetative community depicted on the mitigation site plans, including spacing of all plantings, stock type (bare root, potted, seed), size, and the source of the plant material;
10. A copy of a deed restriction which provides that no regulated activities will occur in the mitigation area or its associated transition area and that it will remain as a natural area in perpetuity. Proof that the deed restriction has been registered with the County Clerk (or the Registrar of Deeds and Mortgages if applicable) is required within 60 days following approval of the mitigation proposal;
11. A metes and bounds description of the proposed mitigation site which forms the basis for the deed restriction. The metes and bounds description shall include the transition area;
12. The New Jersey Wetlands/Tidelands Map number(s) for the development site (and the mitigation site if it is at a different location) as well as block and lot numbers and ownership of the mitigation site;
13. The actual cost estimate of the mitigation proposal. The cost estimate should include the cost of land, site preparation, engineering costs, plantings and any other items incidental to the mitigation proposal;
14. Five folded copies of a site plan for the mitigation project which includes:
 - i. The project location within the region;
 - ii. The lot and block number of the mitigation project location;
 - iii. Existing and proposed elevations and grades of the mitigation site in one foot intervals; and
 - iv. Plan views and cross sectional views;
15. A copy or photocopy of a portion of the U.S.G.S. 7.5 minute quadrangle map showing the location of the property and its general vicinity, indicating and labeling the location of the proposed mitigation and the property boundaries, and a determination of the State Plan Coordinates for the center of the mitigation site. The accuracy of these coordinates should be within 50 feet of the actual center point. For linear mitigation projects, the applicant shall provide State Plane Coordinates for the endpoints of those projects which are 1,999 feet or less, and for those projects which are 2,000 feet and longer, additional coordinates at each 1,000 foot interval; and
16. In accordance with N.J.A.C. 7:7A-14.1, obtain a secured bond or other financial surety acceptable to the Department including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the permittee default. The financial surety for the construction of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost of construction. In addition, the financial surety to assure success of the mitigation shall be posted in an amount equal to 30 percent of the estimated cost of construction. The financial surety will be reviewed annually and shall be adjusted to reflect current economic factors. Mitigation for the loss of freshwater wetlands within the coastal zone shall comply with the Coastal Permit Program Rules at N.J.A.C. 7:7, Rules on Coastal Zone Management at N.J.A.C. 7:7E, and Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. Mitigation for the loss of tidal wetlands must comply with the Coastal Permit Program Rules at N.J.A.C. 7:7 and the Rules on Coastal Zone Management at N.J.A.C. 7:7E.

SUBCHAPTER 3C. ASSESSING IMPACTS TO
ENDANGERED AND THREATENED
WILDLIFE SPECIES IN ENVIRONMENTAL
IMPACT ASSESSMENTS

7:7E-3C.1 Performance standards

- (a) Performance standards for habitat assessments are as follows:

1. Assessments of endangered or threatened wildlife should begin by contacting the New Jersey Natural Heritage Program to obtain information on the known occurrences of endangered and threatened species on and within the vicinity of the site. This is known as the "Master" species list.

2. An evaluation of habitat including examination of vegetation cover, soils, hydrology and existing land use shall be made for the site and surrounding areas. The site's vegetative analysis shall include an on-site investigation and evaluation. The surrounding areas investigation shall consist of air photos or appropriate cover maps.

3. Based on the assessment of habitat and general habitat associations of species on the "Master" list, a list of endangered, threatened, or other rare species that may be present on the site shall be developed. This is known as the potential species list. The applicant shall be able to justify excluding any species from the master list in developing the list of potential species.

4. A survey shall be performed for all species on the list of potential species unless detailed evaluation of habitat and comparison with individual species habitat requirements suggests that no suitable habitat exists on, or immediately adjacent to, the subject property. The "survey" list is therefore comprised of all species on the potential list except those for which the consultant presents convincing evidence that suitable habitat does not exist. Most of the species on the survey list will be species that could occur based on the presence of suitable habitat and/or known occurrences within the site's vicinity. No survey need be performed for species confirmed to occur on the site according to the Natural Heritage Database. In such a case, the Natural Heritage Database provides positive evidence to support a finding of potential negative impacts to endangered or threatened species habitats. Field studies should focus on documenting the location and extent of habitats for the confirmed species.

5. Surveys for all species on the survey list should be performed using scientific methodology appropriate for each species or species group. When surveys confirm the occurrence of any endangered or threatened species, additional habitat assessment should be performed to determine the location and extent of habitat for the confirmed species.

7:7E-3C.2 Reporting standards

(a) Reporting standards for habitat assessments are as follows:

1. The environmental impact assessment shall provide proof of correspondence with the Natural Heritage Program including copies of all correspondence with the Natural Heritage Program and, if applicable, the DEP's Endangered and Nongame Species Programs.

2. The environmental impact assessment shall provide a description of the habitat on site and a description of the surrounding habitat.

3. The environmental impact assessment shall provide the list of potential species as described in N.J.A.C. 7:7E-3C.1(a)3. It shall provide justification for excluding any species mentioned by the New Jersey Natural Heritage Program as occurring on site or in the vicinity of the subject property. For example, the Natural Heritage Program list of species occurring in the areas may include the Bog Turtle. If the subject property is comprised entirely of uplands, justification for excluding the Bog Turtle from the list of potential species would be based on the lack of a suitable habitat.

4. A description of the habitat requirements for each species on the potential list shall be provided, including appropriate literature citations.

5. The environmental impact assessment shall provide the survey list of species as described in N.J.A.C. 7:7E-3C.1(a)4. The environmental impact assessment shall also provide detailed justification for excluding any species from the survey list that appears on the potential list. This justification shall consist of detailed assessment of habitat conditions on and within the vicinity of the project site in comparison with known habitat requirements of the particular species. Habitat requirements of that particular species should be obtained from review of the appropriate scientific literature and/or from the Natural Heritage Program, Endangered and Nongame Species Program, or (for wetlands species) from the DEP Land Use Regulation Program. Literature citations shall be provided.

6. The environmental impact assessment shall provide a description of the methodology used to survey for each species on the survey list. The methodology followed should be based on established acceptable techniques for the particular species and should provide the following information: best time of year to survey, best time of day, minimal time required, minimal number of sampling points, plot transects, etc., and the minimum number of replications. The assessment should also provide literature citations for the techniques used. The assessment shall describe how the particular methodology was applied to this survey, giving the following information: surveyors names, dates and times surveys performed, number of samples, number of replications. This information shall be provided for each species surveyed or indicate when one survey covered more than one species.

7. The assessment shall provide the names and qualifications of all investigators performing habitat and/or species surveys.

8. The findings of all species surveys shall be provided whether negative or positive.

9. The assessment of potential impacts shall reflect reasonable ecological principles. That is, if any rare or endangered species or potential habitats are found to be present on or immediately adjacent to the site, the environmental impact assessment shall describe the likely affects of the proposed development on the local populations of the particular species. This evaluation should be based on habitat requirements and life history of each species, and the way in which the proposed development may alter habitat, including: vegetation, soils, hydrology, affects on competitor, parasite, or predator species, human disturbance, etc. For example, a golf course will introduce pesticides and fertilizers into the groundwater, affecting the physical and biological characteristics of nearby streams and ponds that may serve as breeding sites for rare amphibians. The report should present detailed information, including maps, showing the location of all confirmed endangered and threatened species occurrences. The report should also include a description or maps illustrating the location and extent of suitable habitat for all species for which suitable habitat is confirmed to occur on the project site.

SUBCHAPTER 4. GENERAL WATER AREAS

OFFICE OF ADMINISTRATIVE LAW NOTE: Rationale statements were filed as a part of these rules, but have not been reproduced in this subchapter. The rationale statements can be reviewed at the following office:

Rules and Publications
Office of Administrative Law
Quakerbridge Plaza
Bldg. No. 9
PO Box 301
Trenton, New Jersey

7:7E-4.1 Definition

(a) General Water Areas are first divided into water and land by the same definitions used for Special Areas, N.J.A.C. 7:7E-3.1. Water and land are further subdivided into General Area types. The water's edge has no General Area types since all water's edge areas are one or more Special Area types.

(b) This subchapter defines General Water types, assigns General Water Area rules to each and summarizes the rationale and intent of the rules.

1. In many cases an area already identified as a Special Area will also fall within the definition of a General Area. In these cases, both General and Special Area rules will apply. In case of conflict between General and Special Area rules, the more specific Special Area rules shall apply.

2. General Water Areas are areas which lie below either the Spring high water line or the normal water level of non-tidal waters. Except at a time of drought or extreme low tide, these areas are permanently inundated.

3. General Water Areas are divided by volume and flushing rate into eight categories as defined below:

i. "Lakes, ponds and reservoirs" includes relatively small water bodies with no tidal influence or salinity. Many are groundwater fed, while others serve as surface aquifer recharge areas. Lakes that are the result of former mining operations are not included in this definition, but are defined at N.J.A.C. 7:7E-3.14, Wet Borrow Pits.

ii. "Large rivers" means waterways with watersheds greater than 1,000 square miles. Large Rivers are limited to the Delaware, Hudson and Raritan Rivers.

(1) The Delaware River is a tidal river from the Bridge Street Bridge in Trenton to its mouth at Delaware Bay, defined as a line between Alder Cover, Lower Alloways Creek Township and the Delaware River Basin Commission-River and Bay Memorial at Liston Point, Delaware.

(2) The Hudson River is a tidal river from the New York State Line to its mouth at Upper New York Bay at the Morris Canal, Jersey City.

(3) The Raritan River is a tidal river from a point approximately 1.1 miles upstream from the Landing Lane Bridge between Piscataway and Franklin Townships to its mouth at Raritan Bay and the Arthur Kill.

iii. "Man-made harbors" means semi-enclosed or protected water areas which have been developed for boat mooring or docking.

iv. "Medium rivers, creeks and streams" means rivers, streams and creeks with a watershed of less than 1,000 square miles. This definition includes waterways such as the Hackensack, Passaic, Oldmans, Big Timber, Pennsauken, Navesink, Manasquan, Toms, Wading, Mullica, Great Egg, Maurice, Cohansey, Salem, and Rancocas (see Appendix, Figures 13c-e, incorporated herein by reference).

v. "Ocean" includes the area of the Atlantic Ocean from the marine boundary with the State of New York in the Raritan Bay and Sandy Hook Bay south to the marine boundary with the State of Delaware in Delaware Bay, near Cape May Point (see Appendix, Figure 13c).

vi. "Open bay" means a large, semi-confined estuary with a wide unrestricted inlet to the ocean and with a major river mouth discharging directly into its upper portion. Open bays are limited to the Delaware Bay, Raritan Bay, Sandy Hook Bay and Upper New York Bay (see Appendix, Figure 13b, incorporated herein by reference).

vii. "Semi-enclosed and back bay" means a partially confined estuary with direct inlet connection and some inflow of freshwater. Semi-enclosed bays differ from black bays in depth, degree of restriction of inlet and level of freshwater flow.

viii. "Tidal guts" means the waterway connection between two estuarine bodies of water. Also known as thorofares, tidal guts control the mix of salt and freshwater. Examples include the Arthur Kill and Kill Van Kull (see Appendix, Figures 13a-e, incorporated herein by reference).

Amended 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).

7:7E-4.2 Acceptability Conditions for Uses

(a) Numerous developments or activities seek locations in New Jersey's coastal waters. Some uses involve locations both above and below the mean high water line, in both Water and Water's Edge areas. This section defines the important uses of water areas managed by the Coastal Management Program and the conditions under which those uses are acceptable. Some projects involve combinations of uses, such as retaining structures, dredging, and filling. Other uses, such as Shore Protection uses, are defined elsewhere under Use rules.

(b) Standards relevant to aquaculture are as follows:

1. Aquaculture is the use of permanently inundated water areas, whether saline or fresh, for the purposes of growing and harvesting plants or animals in a way to promote more rapid growth, reduce predation, and increase harvest rate. Oyster farming in Delaware Bay is a form of aquaculture.

2. Aquaculture is encouraged in all General Water Areas provided that:

- i. It does not unreasonably conflict with resort or recreation uses;
- ii. It does not cause significant adverse off-site environmental impacts; and
- iii. It does not present a hazard to navigation.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(c) Standards relevant to boat ramps are as follows:

1. Boat ramps are inclined planes, extending from the land into a water body for the purpose of launching a boat into the water until the water depth is sufficient to allow the boat to float. Boat ramps are most frequently paved with asphalt or concrete, or covered with metal grates.

2. The acceptability conditions for boat ramps are as follows:

i. Boat ramps are conditionally acceptable provided they meet the following conditions:

- (1) There is a demonstrated need that cannot be met by existing facilities;
- (2) They cause minimal practicable disturbance to intertidal flats or subaqueous vegetation;
- (3) Boat ramps shall be constructed of environmentally acceptable material, such as concrete or oyster shells;
- (4) Garbage cans shall be provided near the boat ramp.

ii. Public use ramps shall have priority over restricted use and private ramps.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(d) Standards relevant to docks and piers (for cargo and commercial fisheries) are as follows:

1. "Docks and piers (for cargo and passenger movement and commercial fisheries)" are structures supported on pilings driven into the bottom substrate or floating on the water surface, used for loading and unloading passengers or cargo, including fluids, connected to or associated with a single industrial or manufacturing facility or to commercial fishing facilities. Rules for docks and piers intended for multiple uses may be found under Use Policies for Ports (N.J.A.C. 7:7E-7.9). Policies for docks composed of fill and retaining structures may be found under the category "filling" (See (j) below).

2. Docks and piers for cargo and passenger movement and commercial fisheries are conditionally acceptable in most General Water Areas, provided that:

- i. The width and length of the piers are limited to only what is necessary for the proposed use;
- ii. They will not pose a hazard to navigation; and
- iii. The associated use of the adjacent land meets all Coastal Resource and Development Policies.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(e) Standards relevant to docks and piers (recreational) are as follows:

1. Recreational and fishing docks and piers are structures supported on pilings driven into the bottom substrate, or floating on the water surface or cantilevered over the water, which are used for recreation or fishing or for the mooring of boats used for recreation or fishing, except for commercial fishing, and house boats.

2. Recreational docks and piers, including mooring piles, are conditionally acceptable in General Water Areas provided that:

- i. There is a demonstrated need that cannot be satisfied by existing facilities;
 - ii. The construction minimizes adverse environmental impact to the maximum extent feasible;
 - iii. The docks and piers and their associated mooring piles are located so as to not hinder navigation or conflict with overhead transmission lines;
 - iv. There is minimum feasible interruption of natural water flow patterns;
 - v. Space between horizontal planking is maximized and width of horizontal planking is minimized to the maximum extent practicable. Under normal circumstances, a minimum of $\frac{3}{8}$ inch, $\frac{1}{2}$ inch, $\frac{3}{4}$ inch, or one inch space is to be provided for four inch, six inch, eight to 10 inch, or 12 inch plus wide planks, respectively.
 - vi. The width of the structure shall not exceed twice the clearance between the structure and the surface of the ground below or the water surface at mean high tide (measured from the bottom of the stringers), except for floating docks. Under typical circumstances the maximum width of the structure shall be eight feet over water and six feet over marsh, wetlands and mudflats. The height of the structure over wetlands shall be a minimum of four feet regardless of width;
 - (1) A minimum of eight feet of open water shall be provided between any docks if the combined width of the docks over the water exceeds eight feet.
 - (2) Construction and placement of the dock shall be a minimum of four feet from all property lines, for docks which are perpendicular to the adjacent bulkhead or shoreline.
 - vii. In lagoons the structure extends no more than 20 percent of the width of the lagoon from bank to bank; and
 - viii. The proposed structure does not hinder navigation or access to adjacent water areas.
3. The construction of recreational docks and piers within areas designated by the Department as shellfish habitat must comply with the standards specified under the Shellfish Habitat rule (N.J.A.C. 7:7E-3.2).
 4. The construction of recreational docks within submerged vegetation areas must comply the standards specified under the Submerged Vegetation rule (N.J.A.C. 7:7E-3.6).
 5. Jet ski ramps are inclined floating docks which are typically attached to existing docks for the purpose of docking jet skis. Jet ski ramps shall not exceed eight feet in width.
 6. For sites which have existing dock structures exceeding eight feet in width over water areas and/or wetlands, which were constructed prior to September 1978

and for which the applicant proposes to increase the coverage over the water area or wetland by increasing the number or size of boat slips, docks or piers, the existing oversized structures must be reduced to a maximum of eight feet in width. All structures proposed as part of an expansion must comply with all of the applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E.).

7. All docks and pier construction must not hinder access to adjacent docks, piers, moorings or water areas.

8. Rationale: See the OAL Note at the beginning of this subchapter.

(f) Standards relevant to maintenance dredging are as follows:

1. Maintenance dredging is the removal of accumulated sediment from previously authorized and legally dredged navigation and access channels, marinas, lagoons, canals or boat moorings for the purpose of maintaining an authorized water depth and width for safe navigation. In order to be considered maintenance dredging, the proposed dredge area must be limited to the same depth, length and width of the previous dredging operation. Dredging beyond those authorized dimensions is "new dredging" (see (g) below).

2. Maintenance dredging is conditionally acceptable to the authorized depth, length and width within all General Water Areas to ensure that adequate water depth is available for safe navigation, provided that:
 - i. An acceptable dredged material disposal site with sufficient capacity exists (see (g) below and N.J.A.C. 7:7E-7.12 for rules on dredged material disposal).
 - ii. Pre-dredging chemical and physical analysis of the dredged material and/or its elutriate may be required where the Department suspects contamination of sediments. Additional testing, such as bioaccumulation testing, and bioassay of sediments, may also be required. The results of these tests will be used to determine if contaminants may be resuspended at the dredging site and what methods may be needed to control their escape. The results will also be used to determine acceptability of the proposed disposal method.
 - iii. Turbidity concentrations (that is, suspended sediments) and other water quality parameters at, downstream, and upstream of the dredging site, and slurry water overflows shall meet applicable State Surface Water Quality Standards in N.J.A.C. 7:9-4. NJDEP may require the permittee to conduct biological, physical and chemical water quality monitoring before, during and after dredging and disposal operations to ensure that water quality standards will not be exceeded.
 - iv. If predicted water quality parameters are likely to exceed State Surface Water Quality Standards, or if pre-dredging chemical analysis of dredged material or

elutriate reveals significant contamination, then the Department will work cooperatively with the applicant to fashion acceptable control measures and will impose seasonal restrictions under the specific circumstances identified below.

v. For maintenance dredging using mechanical dredges such as clamshell bucket, dragline, grab, orange peel, or ladders, deploying silt curtains at the dredging site may be required, if feasible based on site conditions. In sites at which the use of silt curtains is infeasible, dredging using closed watertight buckets or lateral digging buckets will be examined. NJDEP may decide not to allow mechanical dredging of highly contaminated sites even if turbidity control measures were planned.

vi. In the waterways characterized below, if the applicant for mechanical maintenance dredging cannot meet the acceptability conditions in (f)2i through v above, then the Department will authorize dredging on a seasonally restricted basis only, in waterways characterized by the following:

(1) Known spawning or nursery areas of endangered shortnose sturgeon (N.J.A.C. 7:7E-3.38);

(2) Known spawning sites of anadromous fishes such as: Atlantic sturgeon; alewife; blueback herring; and striped bass;

(3) Waterbodies downstream of known anadromous fish spawning sites, as in N.J.A.C. 7:7E-3.5, where the predicted turbidity plume will encompass the entire cross-sectional area of the water body, thus forming a potential blockage to upstream migration;

(4) Areas of contaminated sediments with high levels of fecal coliform and/or streptococcus bacteria, and/or hazardous substances adjacent to (upstream or downstream) State approved shellfishing waters and public or private bathing beaches;

(5) Areas within 1,000 meters or less of oyster beds as defined in N.J.A.C. 7:7E-3.2; or

(6) Known female blue crab winter hibernation areas. These typically are located in higher salinity water near bay mouths.

vii. For hydraulic dredges, if the applicant cannot meet the acceptability conditions in (f)2i through v above, specific operational procedures, such as removal of cutter head, flushing of pipeline sections prior to disconnection, limitations on depth of successive cuts, etc. shall be examined. Seasonal dredging restrictions may be imposed in the following areas to prevent entrainment and mortality of aquatic organisms:

(1) Known female blue crab winter hibernation areas;

(2) Known spawning, nursery, or wintering areas of the endangered shortnose sturgeon as in N.J.A.C. 7:7E-3.38 and/or winter flounder; or

(3) Known wintering areas of adult Atlantic or shortnose sturgeon, striped bass and/or white perch.

3. To mitigate adverse impacts upon Shellfish Habitat (N.J.A.C. 7:7E-3.2) or Endangered and Threatened Wildlife or Vegetation Species Habitat (N.J.A.C. 7:7E-3.38), Finfish Migratory Pathways (N.J.A.C. 7:7E-3.5), Marine Fish and Fisheries (N.J.A.C. 7:7E-8.2) and wintering area for finfish or blue crabs, and to prevent reduction of ambient dissolved oxygen below critical levels, or the increase of turbidity or the resuspension of toxic substances above critical levels, seasonal limitations may be imposed on maintenance dredging as specifically described in this subsection.

4. Rationale: See the OAL Note at the beginning of this subchapter.

(g) Standards relevant to new dredging are as follows:

1. "New dredging" is the removal of sediment from the bottom of a water body that has not been previously dredged, for the purpose of increasing water depth, or the widening or deepening of navigable channels to a newly authorized depth or width.

2. Acceptability conditions for new dredging are as follows:

i. New dredging is conditionally acceptable in all General Water Areas for boat moorings, navigation channels or anchorages (docks) provided that:

(1) There is a demonstrated need that cannot be satisfied by existing facilities;

(2) The facilities served by the new dredging satisfy the location requirements for Special Water's Edge Areas;

(3) The adjacent water areas are currently used for recreational boating, commercial fishing or marine commerce;

(4) The dredge area causes no significant disturbance to Special Water or Water's Edge Areas;

(5) The adverse environmental impacts are minimized to the maximum extent feasible;

(6) Dredging will be accomplished consistent with all conditions described under the maintenance dredging provisions, (f)2(i) through vii above, as appropriate to the dredging method;

(7) An acceptable dredge spoil disposal site exists;

(8) The dredge area is reduced to the minimum practical;

(9) The maximum depth of the newly dredged area will not exceed that of the connecting access or navigation channel necessary for vessel passage to bay or ocean; and

(10) Dredging will have no adverse impacts on groundwater resources.

ii. To mitigate adverse impacts upon Shellfish Habitat (N.J.A.C. 7:7E-3.2), Endangered or Threatened Wildlife or Vegetation Species Habitat (N.J.A.C. 7:7E-3.38), Finfish Migratory Pathways (N.J.A.C. 7:7E-3.5), Marine Fish and Fisheries (N.J.A.C. 7:7E-8.2), spawning or wintering areas for finfish, or female blue crab wintering areas, and to prevent reduction of ambient dissolved oxygen below critical levels, or the increase of turbidity or the resuspension of toxic substances above critical levels, seasonal and/or dimensional limitations may be imposed on new dredging.

iii. New dredging or excavation to create new lagoons for residential development is prohibited in Wetlands, Wetlands Buffer, Endangered or Threatened Wildlife or Vegetation Species Habitats as defined in N.J.A.C. 7:7E-3.25, 3.26 and 3.40 and discouraged elsewhere.

iv. New dredging is conditionally acceptable to control siltation in lakes, ponds and reservoirs, provided that an acceptable sedimentation control plan is developed to address re-sedimentation of these water bodies.

v. Rationale: See the OAL Note at the beginning of this subchapter.

(h) Standards relevant to dredged material disposal are as follows:

1. Dredged material disposal is the discharge of sediments removed during dredging operations.

2. Acceptability conditions relevant to dredged material disposal are as follows:

i. Dredged material disposal is prohibited in tidal guts, man-made harbors, and medium rivers, creeks and streams.

ii. Dredged material disposal is discouraged in open bays, semi-enclosed and backbays where the water depth is less than six feet.

iii. Disposal of dredged materials in the ocean and bays deeper than six feet is conditionally acceptable provided that it is in conformance with the USEPA and US Army Corps of Engineers Guidelines parts 220-228 and 33 CFR, Parts 320-330 and 335-338) established under Section 404(b) of the Clean Water Act.

iv. EPA Guidelines require that consideration be given to the need for the proposed activity, the availability of alternate sites and methods of disposal that are less damaging to the environment, and applicable water quality standards. They also require that the

choice of the site minimize harm to municipal water supply intakes, shellfish, fisheries, wildlife, recreation, threatened and endangered species, benthic life, wetlands and submerged vegetation, and that it be confined to the smallest practicable area.

v. Overboard disposal (also known as aquatic, open water, side casting, subaqueous, or wet) of uncontaminated sediments into unconfined disposal sites is conditionally acceptable in existing anoxic dredge holes, provided that data on water quality, benthic productivity and seasonal finfish use evidence limited biological value and a submerged elbow or underwater diffuser is used. The hole shall not be filled higher than the depth of the surrounding waters.

vi. Overboard disposal of sediments less than 90 percent sand shall be acceptable in unconfined disposal sites when shallow waters preclude removal to an upland or confined site provided that: Shellfish Habitats (as defined in N.J.A.C. 7:7E-3.2) are not within 1,000 meters; disposal will not smother or cause condemnation or contamination of harvestable shellfish resources (as in N.J.A.C. 7:7E-3.2); and sediment characteristics of the dredged material and disposal site are similar. If unconfined aquatic disposal can not meet these conditions, then NJDEP shall impose a seasonal restriction appropriate to the resource of concern.

vii. Uncontaminated dredged sediments with 75 percent sand or greater are generally encouraged for beach nourishment.

viii. Dredged material disposal in lakes, ponds and reservoirs is prohibited.

ix. Conditions for dredged material disposal on land are indicated in N.J.A.C. 7:7E-7.12.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(i) Standards relevant to dumping (solid waste or sludge) are as follows:

1. The dumping of solid waste or sludge is the discharge of solid or semi-solid waste material from industrial or domestic sources or sewage treatment operations into a water area.

2. Acceptability conditions: The dumping of solid or semi-solid waste of any description in any General Water Area is prohibited.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(j) Standards relevant to filling are as follows:

1. Filling is the deposition of material (sand, soil, earth, dredged material, etc.) into water areas for the purpose of raising water bottom elevations to create land areas.

2. Acceptability conditions relevant to filling are as follows:

i. Filling is prohibited in lakes, ponds, reservoirs, and open bay areas at depths greater than 18 feet, unless the filling is consistent with the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and Regulations, N.J.A.C. 7:7A.

ii. In all other natural water areas, filling is discouraged, but limited filling may be considered for acceptability provided that:

- (1) The use that requires the fill is water dependent;
- (2) There is a demonstrated need that cannot be satisfied by existing facilities;
- (3) There is no feasible or practical alternative site on an existing Water's Edge;
- (4) The minimum practicable area is filled;
- (5) The adverse environmental impacts are minimized, e.g. by compensating for the loss of aquatic habitat by creation of an area of equivalent or greater environmental value elsewhere in the same estuary;
- (6) Minimal feasible interference is caused to Special Areas; and
- (7) Pilings and columnar support or floating structures are unsuitable for engineering or environmental reasons.

iii. Filling in a man-made lagoon is discouraged unless it complies with the conditions found under (j)2ii above or the following two conditions:

- (1) In those areas where two existing lawful bulkheads are not more than 75 feet apart and no limit of fill line has been promulgated, the connecting bulkhead may not extend seaward of a straight line connecting the ends of the existing bulkheads. Compliance with the mitigation rule shall not be required in such cases.
- (2) Elsewhere, the proposed retaining structure shall not extend seaward of the spring high water line.

3. In no event may regulated wetlands be filled except under the conditions of the Wetlands Special Area Rule (N.J.A.C. 7:7E-3.27).

4. Filling using clean sediment of suitable particle size and composition is acceptable for beach nourishment projects (see the Coastal Engineering Use Rules N.J.A.C. 7:7E-7.11).

5. Standards relevant to the removal of unauthorized fill are as follows:

i. For filling which took place prior to September 26, 1980 (the effective date of the Rules on Coastal Zone Management, N.J.A.C. 7:7E), or prior to September 28, 1978 for areas within the coastal area defined at N.J.S.A. 13:19-4 (CAFRA), removal shall be required only if the fill has resulted in ongoing significant adverse environmental impacts, such as the blocking of an otherwise viable tidal wetland or waterbody, and its removal will alleviate the adverse impacts.

ii. For filling which took place subsequent to September 26, 1980 (or subsequent to September 28, 1978 for areas within the coastal area defined at N.J.S.A. 13:19-4), removal shall be required if it violates the acceptability conditions for filling in water areas set forth in this subsection.

6. Rationale: See the OAL Note at the beginning of this subchapter.

(k) Standards relevant to mooring are as follows:

1. A boat mooring is a temporary or permanently fixed or floating anchored facility in a water body for the purpose of attaching a boat.

2. Temporary or permanent boat mooring areas are conditionally acceptable in all General Water Areas provided:

- i. There is a demonstrated need that cannot be satisfied by existing facilities;
- ii. Adverse environmental impacts are minimized to the maximum extent practicable;
- iii. The mooring area is adequately marked and is located so as not to hinder navigation. A hazard to navigation will apply to all potential impediments to navigation, including access to adjacent moorings, water areas, docks and piers.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(l) Standards relevant to sand and gravel extraction are as follows:

1. Sand and gravel extraction is the removal of sand or gravel from the water bottom substrate, usually by suction dredge, for the purpose of using the sand or gravel at another location.

2. Sand and gravel extraction is prohibited in lakes, ponds and reservoirs, man-made harbors and tidal guts unless the waterbody was created by the extraction process, in which case the use is conditionally acceptable. This activity is discouraged in all other General Water Areas. In these General Water Area types, priority will be given to sand extraction for beach nourishment, and extraction is conditionally acceptable provided that:

- i. Special areas are not directly or indirectly degraded;

ii. Turbidity and resuspension of toxic materials is controlled throughout the extraction operation consistent with the Department's Surface Water Quality Standards (N.J.A.C. 7:9-4);

iii. There is an acceptable disposal site for the waste from washing operations;

iv. In rivers, creeks, and streams, the depth of water at the mining site is at least six feet MLW;

v. The mining will not increase shoreline erosion; and

vi. The mining will not create anoxic water conditions.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(m) Standards relevant to bridges are as follows:

1. A bridge is any continuous structure spanning a water body, except for an overhead transmission line.

2. Bridges are conditionally acceptable over all water area types provided that:

i. There is a demonstrated need that cannot be satisfied by existing facilities;

ii. Applicable Location and Resource Rules are satisfied, with special attention to Location Rules on Secondary Impacts and Linear Development;

iii. Pedestrian and bicycle use is provided for unless it is demonstrated to be inappropriate; and

iv. Fishing catwalks and platforms are provided to the maximum extent practicable. This shall be taken into consideration during the design phase of all proposed bridge projects.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(n) Standards relevant to submerged infrastructure are as follows:

1. Submerged infrastructure includes the following:

i. Cables are solid underwater lines such as telecommunication cables or electrical transmission lines.

ii. Pipelines are underwater pipes laid, buried, or trenched for the purpose of transmitting liquids or gas. Examples would be crude oil, natural gas, water, petroleum products or sewage pipelines. Construction of an underwater pipeline may involve trenching, temporary trench spoil storage, and backfilling, or jetting as an alternative to trenching.

2. Submerged infrastructure is conditionally acceptable provided that it is not sited within Special Areas, unless no prudent and feasible alternate route exists. The use of directional drilling for the installation of

submerged infrastructure is encouraged over the use of trenching.

i. In the case of pipelines, the following conditions shall also be met:

(1) Trenching takes place to a sufficient depth and is back-filled, either through natural or mechanical means to minimize the possibility of puncturing by snagging anchors or sea clam dredges;

(2) The pipeline is sufficiently deep to avoid uncovering by erosion of water currents; and

(3) The conditions outlined for pipelines in the Energy Use rules (See N.J.A.C. 7:7E-7.4) are satisfied.

ii. Temporary trench spoil storage and backfilling as part of pipeline trenching is acceptable provided that bottom contours are reestablished following trench spoil removal, to the original bottom contours, to the maximum extent practicable.

iii. In the case of cable routes, the following conditions must be met:

(1) The route avoids areas where anchors may foul the cable; and

(2) The alignment of the cable route is marked at the landfall and by buoys at the surface.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(o) Standards relevant to overhead transmission lines are as follows:

1. "Overhead transmission lines" are electrically conducting wires hung between supporting pylons for the transmission of electrical power from generating plant to the site of consumption.

2. Overhead transmission lines are prohibited or discouraged, except over rivers, streams, creeks, and tidal guts, where transmission lines will be considered for acceptability provided that:

i. There is a demonstrated need that cannot be satisfied by existing facilities;

ii. There is no feasible alternative route that avoids crossing water bodies;

iii. Further development likely to be induced by the transmission lines is acceptable;

iv. The transmission line provides adequate vertical clearance for masts; and

v. Visual impacts are minimized to the maximum extent practicable.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(p) Standards relevant to dams and impoundments are as follows:

1. Dams and impoundments are structures that obstruct natural water flow patterns for the purpose of forming a contained volume of water. Impoundments include dikes with sluice gates and other structures to control the flow of water.
2. The construction of dams and impoundments is prohibited in all Water Areas except medium rivers, creeks, and streams, unless:
 - i. The structures are essential for water supply purposes or for the creation of special wildlife habitats;
 - ii. Adverse impacts are minimized; and
 - iii. The structures will not adversely affect navigation routes.
3. Rationale: See the OAL Note at the beginning of this subchapter.

(q) Standards relevant to outfalls and intakes are as follows:

1. Outfalls and intakes are pipe openings that are located in Water Areas for the purpose of intake of water or discharge of effluent including sewage, stormwater and industrial effluents.
2. Outfalls and intakes are conditionally acceptable in most water bodies provided that the use associated with the intake or outfall meets the Rules on Coastal Zone Management. In particular, stormwater discharge pipes shall comply with the Stormwater Management rule (N.J.A.C. 7:7E-8.7) and provide appropriate filtration methods.
3. Rationale: See the OAL Note at the beginning of this subchapter.

(r) Standards relevant to realignment of water areas are as follows:

1. Realignment of water areas means the physical alteration or relocation of the surface configuration of any water area. This does not include the rebulkheading of a previously bulkheaded water area or the bulkheading at or above the spring high water line.
2. Realignment of naturally occurring water areas is discouraged.
3. Realignment of previously realigned water areas is conditionally acceptable, provided that it can be demonstrated that no adverse environmental impacts (that is, water quality, flood hazard, species diversity reduction/alteration) will result, and no Resource rules will be contravened by the realignment; and that a net recreational/ecological benefit will demonstrably accrue.
4. Rationale: See the OAL Note at the beginning of this subchapter.

(s) Standards relevant to miscellaneous uses are as follows:

1. Miscellaneous includes uses of Water Areas not specifically defined in this section or addressed in the Use rules.
 2. Water dependent uses of Water Areas not identified in the Use rules will be analyzed on a case-by-case basis to ensure that adverse impacts are minimized. Non-water dependent uses are discouraged in all Water Areas.
- (t) Breakwaters (including those constructed of concrete, rubble mound and timber) are structures designed to protect shoreline areas or boat moorings by intercepting waves and reducing the wave energy which would normally impact the adjacent shoreline areas or boat mooring areas. Typically, timber breakwaters are designed and utilized to protect boat moorings, while concrete or rubble mound breakwaters are designed and utilized to protect shoreline areas which are subject to storm waves and associated erosion.

1. Timber breakwaters shall be at least 18 inches above the bottom of the waterway and shall provide a minimum of three inch spacing between planks. The individual plank width shall not exceed six inches.

2. For detached breakwaters which are not fixed directly to a dock or pier structure, marking with photocell lights and/or reflectors is required.

3. The construction of concrete or rubble mound breakwater structures must be consistent with the acceptability conditions for Structural Shore Protection (N.J.A.C. 7:7E-7.11(e) and Filling (j) above).

4. Rationale: See OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Section substantially amended.

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Dock, pile and breakwater dimensions and dredging requirements added.

Recodified from 7:7E-4.11 and amended 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).

Prior text at 7:7E-4.2, Water Area Policy Summary Table, repealed.

Case Notes

Waterfront pier built without permit; no unusual circumstances warranting grant of application to legalize structure. *Rotelle v. Division of Coastal Resources*. 92 N.J.A.R.2d (EPE) 107.

7:7E-4.3 (Reserved)

Repealed 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).

Section was "Ocean".

7:7E-4.4 (Reserved)

Repealed 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).
Section was "Open bay".

7:7E-4.5 (Reserved)

Repealed 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).
Section was "Semi-enclosed and back bay".

7:7E-4.6 (Reserved)

Repealed 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).
Section was "Tidal guts".

7:7E-4.7 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Added text in (a)3 "a point approximately . . . Landing Lane Bridge" and deleted "Interstate Route 287 Bridge".

Repealed 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).
Section was "Large rivers".

7:7E-4.8 (Reserved)

Repealed 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).
Section was "Medium rivers, streams and creeks".

7:7E-4.9 (Reserved)

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Reference to Freshwater Wetlands Protection Rules added at (b).

Repealed 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).
Section was "Lakes, Ponds and Reservoirs".

7:7E-4.10 (Reserved)

Repealed 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).
Section was "Man-made harbor".

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

Authority

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

Source and Effective Date

R.2000 d.45, effective February 7, 2000.
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Subchapter Historical Note

Subchapter 5, General Land Areas, was repealed and Subchapter 5, Requirement for Impervious Cover and Vegetative Cover for General Land Areas and Certain Special Areas, was adopted as new rules by R.2000 d.45, effective February 7, 2000. See: Source and Effective Date.

7:7E-5.1 Purpose and scope

(a) This subchapter sets forth requirements for impervious cover and vegetative cover on sites in the upland waterfront development area, as defined at N.J.A.C. 7:7E-5.2, and in the CAFRA area, as defined at N.J.A.C. 7:7E-5.2. In addition:

1. For a site in the upland waterfront development area, the applicable impervious cover limits and vegetative cover percentages are determined under N.J.A.C. 7:7E-5A, based on the site's growth rating, development potential, and environmental sensitivity; and

2. For a site in the CAFRA area, the applicable impervious cover limits and vegetative cover percentages are determined under N.J.A.C. 7:7E-5B, based on the site's location in a coastal center; in a Coastal Planning Area; in a CAFRA center, CAFRA core, or CAFRA node; or on a military installation.

(b) General Land Areas are all land areas, as defined at N.J.A.C. 7:7E-1.5, that are subject to this chapter and that are located outside of Special Water's Edge Areas. Special Water's Edge Areas are identified at N.J.A.C. 7:7E-3.16 through 3.32.

(c) This subchapter and N.J.A.C. 7:7E-5A and/or 5B apply to development in General Land Areas, Special Land Areas, and the following seven Special Water's Edge Areas:

1. N.J.A.C. 7:7E-3.17, Overwash areas;
2. N.J.A.C. 7:7E-3.18, Coastal high hazard areas;
3. N.J.A.C. 7:7E-3.19, Erosion hazard areas;
4. N.J.A.C. 7:7E-3.20, Barrier island corridor;
5. N.J.A.C. 7:7E-3.23, Filled water's edges;
6. N.J.A.C. 7:7E-3.24, Existing lagoon edges; and
7. N.J.A.C. 7:7E-3.25, Flood hazard areas.

(d) This subchapter and N.J.A.C. 7:7E-5A and 5B do not apply to:

1. The development of a single family or duplex dwelling unless such development results in development of more than one single family or duplex dwelling either solely or in conjunction with a previous development as defined at N.J.A.C. 7:7-2.1(b)5;

2. A linear development, as defined in N.J.A.C. 7:7E-1.5, except that this subchapter and N.J.A.C. 7:7E-5A and 5B shall apply if the linear development is wholly within a development and/or serves the development;

3. A mining operation, under N.J.A.C. 7:7E-7.8;

4. A public park which is publicly owned, or publicly controlled for the purposes of public access;

5. Aquaculture, as defined at N.J.S.A. 58:1A-3; or

6. Sanitary landfills.

(e) If a site is located in the Hackensack Meadowlands District, as defined under N.J.S.A. 13:17-1 et seq., the Department shall not apply the requirements in N.J.A.C. 7:7E-5 and 5A, but shall apply the requirements for that area set forth at N.J.A.C. 7:7E-3.45.

(f) A site may include land both within the upland waterfront development area and within the CAFRA area. Where this occurs each portion of the site is treated separately and the impervious cover limits and vegetative cover percentages for the different portions of the site are determined under N.J.A.C. 7:7E-5A or 5B as appropriate.

7:7E-5.2 Definitions

In addition to the terms defined at N.J.A.C. 7:7E-1.5, the following words and terms are defined for purposes of this subchapter and N.J.A.C. 7:7E-5A and 5B:

“CAFRA area” means the “coastal area” defined in the Coastal Area Facility Review Act at N.J.S.A. 13:19-4.

“CAFRA center” means a center with a boundary incorporated by reference or revised in accordance with N.J.A.C. 7:7E-5B.2.

“CAFRA core” means a core with a boundary incorporated by reference or revised in accordance with N.J.A.C. 7:7E-5B.2.

“CAFRA node” means a node with a boundary incorporated by reference or revised in accordance with N.J.A.C. 7:7E-5B.2.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores and CAFRA nodes. The CAFRA Planning Map is available on the Department’s Geographic Information System (GIS).

“Center” means a compact form of development which may have one or more cores and residential neighborhoods. A center may be an urban center, regional center, town, village, or hamlet, based on factors such as comparative size, population density, total population, transportation access, infrastructure, and employment base.

“Coastal center” means a center in the CAFRA area with a boundary delineated by the Department for the purpose of applying the requirements for impervious cover and vegetative cover at N.J.A.C. 7:7E-5 and 5B until such time as, in accordance with N.J.A.C. 7:7E-5B.2, the coastal center expires or is superseded by the CAFRA center.

“Coastal planning area” means a planning area in the CAFRA area with a boundary incorporated by reference in accordance with N.J.A.C. 7:7E-5B.2.

“Community development boundary” means the line delineating a center from the environs of the center. The boundary is defined by physical features such as rivers, roads, or changes in the pattern of development, or by open space or farmland.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality or center, generally including some housing and access to public transportation.

“95-97 imagery” means the 1995-1997 National Aerial Photographic Program, New Jersey color infra-red imagery.

“Node” means a concentration of facilities and activities which are not organized in a compact form.

“Planning area” means an area of greater than one square mile that shares a common set of conditions such as population density, infrastructure systems, level of development, or environmental sensitivity. The five types of planning areas are Metropolitan Planning Area, Suburban Planning Area, Fringe Planning Area, Rural Planning Area, and Environmentally Sensitive Planning Area.

“Stormwater management facility” means a facility which receives, stores, conveys, or discharges stormwater runoff and is designed in accordance with all applicable local, county, and State regulations. A stormwater management facility may be a retention or detention basin; infiltration structure; grassed swale; filter fabric; rip-rap channel; and/or stormwater outfall.

“Tidelands Map” means the Tidelands Base Photo Map, adopted by the Department’s Tidelands Resource Council under N.J.S.A. 13:1B-13.1 et seq.

“Upland waterfront development area” means all lands outside of the CAFRA area extending from the mean high water line of a tidal water body 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 from the mean high water line.

1. There is no prudent or feasible alternative alignment which would have less impact on sensitive areas;
2. There will be no permanent or long-term loss of unique or irreplaceable areas;
3. Appropriate measures will be used to mitigate adverse environmental impacts to the maximum extent feasible, such as restoration of disturbed vegetation, habitats, and land and water features; and
4. The alignment is located on or in existing transportation corridors and alignments, to the maximum extent practicable.

Amended 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).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

In (a), rewrote the first sentence of the introductory paragraph.

7:7E-6.2 Basic location rule

(a) A location may be acceptable for development under the specific location regulations in N.J.A.C. 7:7E-6.1, but the DEP may reject or conditionally approve the proposed development of the location as reasonably necessary to:

1. Promote the public health, safety, and welfare;
2. Protect public and private property, wildlife and marine fisheries; and
3. Preserve, protect and enhance the natural environment.

Amended 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).

7:7E-6.3 Secondary impacts

(a) Secondary impacts are the effects of additional development likely to be constructed as a result of the approval of a particular proposal. Secondary impacts can also include traffic increases, increased recreational demand and any other offsite impacts generated by onsite activities which effect the site and surrounding region.

(b) Coastal development that induces further development shall demonstrate, to the maximum extent practicable, that the secondary impacts of the development will satisfy the Rules on Coastal Zone Management. The level of detail and areas of emphasis of the secondary impact analysis are expected to vary depending upon the type of development. Minor projects may not even require such an analysis. Transportation and wastewater treatment systems are the principal types of development that require a secondary impact analysis, but major industrial, energy, commercial, residential, and other projects may also require a rigorous secondary impact analysis.

1. Secondary impact analysis must include an analysis of the likely geographic extent of induced development,

its relationship to the State Development and Redevelopment Plan, an assessment of likely induced point and non-point air and water quality impacts, and evaluation of the induced development in terms of all applicable Rules on Coastal Zone Management.

2. Models for secondary impact analysis may be found in New Jersey Department of Community Affairs, Division of State and Regional Planning, Secondary Impacts of Regional Sewerage Systems (1975), and in USEPA, Manual for Evaluating Secondary Impacts of Wastewater Treatment Facilities (EPA-600/5-78-003, 1978).

(c) Rationale: This statement can be reviewed at the Office of Administrative Law, Rules and Publications, Quakerbridge Plaza, Bldg. 9, PO Box 301, Trenton, New Jersey 08625-0301.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Added text to (a) "Secondary impacts can ... and surrounding region."

Amended 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).

Case Notes

Permit condition requiring Department of Environmental Protection determination did not conflict with state and federal plans and was not beyond the department's authority. Matter of Cape May County Mun. Utilities Authority, 242 N.J.Super. 509, 577 A.2d 840 (A.D.1990).

SUBCHAPTER 7. USE RULES

OFFICE OF ADMINISTRATIVE LAW NOTE: Rationale statements were filed as a part of these rules, but have not been reproduced in this subchapter. The rationale statements can be reviewed at the following office:

Rules and Publications
Office of Administrative Law
Quakerbridge Plaza
Bldg. No. 9
PO Box 301
Trenton, New Jersey 08625-0301

7:7E-7.1 Purpose

Many types of development seek locations in the coastal zone. The second stage in the screening process of the Rules on Coastal Zone Management spells out a set of rules for particular uses of coastal resources. Use rules are rules and conditions addressed to particular kinds of development. Use rules do not preempt location rules which restrict development, unless specifically stated. In general, they introduce conditions which must be satisfied in addition to the Location rules (N.J.A.C. 7:7E-2 through 6), and the

Resource rules described in the following subchapter (N.J.A.C. 7:7E-8).

Amended 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).

Case Notes

Construction permit application denied due to anticipated nitrate production; testing to challenge application denial found to not meet acceptable scientific standards. *Andover Mobile Home Park v. Dept. of Environmental Protection*, 4 N.J.A.R. 420 (1981).

7:7E-7.2 Housing use rules

(a) "Housing" includes single family detached houses, multi-family units with apartments or town houses, high-rise buildings and mixed use developments.

(b) Standards relevant to water area and water's edge housing are as follows:

1. New housing or expansion of existing habitable housing is prohibited in Water Areas. Reconstruction of existing habitable structures on pilings located over water areas is conditionally acceptable except when damaged by wind, water or waves, in which case reconstruction is prohibited.

2. In special urban areas and along large rivers where water dependent uses are demonstrated to be infeasible, new housing is also acceptable on structurally sound existing pilings, or where piers have been removed as part of the harbor clean up program, the equivalent pier area may be replaced in the same or another location.

i. Structurally sound existing pilings may be reconfigured provided that the total area of water coverage is not increased and fisheries resources are not adversely impacted.

ii. Expansion of the total area of water coverage is discouraged, except where it can be shown that extensions are functionally necessary for water dependent uses.

iii. New housing acceptable under this rule shall be consistent with the Public Access to the Waterfront Rule (N.J.A.C. 7:7E-8.11), including provisions of fishing access as appropriate.

3. Housing is conditionally acceptable in the filled water's edge, provided that it meets the requirements of the Filled Water's Edge rule (N.J.A.C. 7:7E-3.23) and the Public Access to the Waterfront Rule (N.J.A.C. 7:7E-8.11). The residential development shall comply with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7E-5 and either N.J.A.C. 7:7E-5A or 5B, except on bay islands where the requirements of the Bay Island Corridor rule (N.J.A.C. 7:7E-3.21) shall apply.

4. New housing involving the stabilization of existing lagoons through revegetation, bulkheading or other means is conditionally acceptable provided that the conditions of the Existing Lagoon Edge rule (N.J.A.C. 7:7E-3.24) and the Filling rule (N.J.A.C. 7:7E-4.2(j)) are satisfied.

5. On sites with existing shore protection structures, the residential structure shall be set back a minimum of 25 feet from the oceanfront shore protection structures, and a minimum of 15 feet from shore protection structures elsewhere. This distance shall be measured from the waterward face of a bulkhead or seawall and from the top of slope on the seaward side of the revetment.

6. Water area and water's edge housing shall include a provision for boat ramps wherever feasible unless an accessible boat ramp is nearby.

7. Rationale: See the OAL Note at the beginning of this subchapter.

(c) Standards relevant to floating homes are as follows:

1. A floating home is any waterborne structure designed and intended primarily as a permanent or seasonal dwelling, not for use as a recreational vessel, which will remain stationary for more than 10 days.

2. Floating homes are prohibited in the coastal zone. Those floating homes registered with the New Jersey Department of Motor Vehicles prior to June 1, 1984 are not subject to this paragraph.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(d) Standards relevant to cluster development are as follows:

1. Housing developments are encouraged to cluster dwelling units on the areas of sites most suitable for development. "Clustering" is defined as an increase of net density realized by reducing the size of private lots and retaining or increasing the gross density of a project.

2. Rationale: See the OAL Note at the beginning of this subchapter.

(e) A single family home or duplex that is located upland of the mean high water line and is not part of a larger development must meet only the following:

1. All structures and on-site improvements shall comply with the Coastal Rules for Beaches, Dunes, Wetlands, Wetland Buffers, Endangered or Threatened Wildlife or Vegetation Species Habitats and Coastal Bluffs, and shall comply with other Coastal Rules by meeting the following minimum standards. Compliance with the applicable rules may require changes in a building design and/or location.

i. On sites with shore protection structures, the residential structure shall be set back, a minimum of 25 feet, from oceanfront shore protection structures, and at a minimum of 15 feet from bulkheads elsewhere. This distance is measured from the waterward face of a bulkhead or seawall and from the top of slope on the waterward face of a revetment.

ii. For sites adjacent to surface water bodies or wetlands, a silt fence shall be erected along the limit of disturbance parallel to the shoreline or wetlands limits. This fence shall have a 10-foot return on each end, be erected prior to construction and remain in place until all construction and landscaping is completed.

iii. For sites partially or completely within the erosion hazard area or coastal high hazard area, only infill developments meeting the following criteria are acceptable. A development qualifies as infill for purposes of this section if:

(1) It is shown as a buildable lot on municipal records prior to July 19, 1993;

(2) The lot is served by a municipal sewer system; and

(3) A house or commercial building is located within 100 feet of each of the lot lines that run roughly perpendicular to the shoreline. The 100 feet shall be measured outward from each lot line, along a line approximately parallel to the shoreline.

iv. In non-tidal areas, the lowest structural member must be at least one foot above the base flood elevation.

v. In tidal areas the following standards apply:

(1) For residential developments located within designated zones A1-30 on the community's Flood Insurance Rate Maps (FIRM), the lowest floor (including basement) must be elevated to or above the base flood elevation.

(2) For residential developments located within designated Zones V1-30 on the community's FIRM, the building must be elevated on pilings so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings) is elevated to or above the base flood level.

(3) The house shall be constructed as close to the landward site boundary as possible, and shall not be constructed waterward of the adjacent developments.

vi. For wooded sites, site clearing shall be limited to an area no greater than 20 feet from the footprint of the dwelling and the area deemed necessary for driveway, septic and utility line installations.

vii. Indigenous coastal plants (as defined in Vegetation, N.J.A.C. 7:7E-8.8) are encouraged to be used in landscaping wherever feasible. No plastic lines shall be

used in landscaped or gravel areas. All liners shall be made of filter cloth or other permeable material. The use of non-indigenous vegetation and/or lawns is discouraged.

viii. All driveways shall be covered with permeable materials or pitched to drain all runoff onto permeable areas of the site.

2. Rationale: See the OAL Note at the beginning of this subchapter.

(f) The standards relevant to housing and transportation are as follows:

1. The development of housing at locations and densities that contribute to the feasibility of public transportation is encouraged.

2. Residential developments are encouraged to include bicycle paths to activity centers and bicycle storage facilities.

3. Residential developments are encouraged to provide pedestrian amenities which include lighted walkways with benches, lighted sidewalks with curb ramps and intersections, shade trees, and pedestrian controlled traffic lights.

4. Rationale: See the OAL Note at the beginning of this subchapter.

Correction: Subsection (e)—Inserted omission concerning affordable housing.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Section substantially amended.

Petition for Rulemaking: Petitioned for a departmental level "conceptual approval"; denied.

See: 21 N.J.R. 1912(a).

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

New housing policy replaced outmoded affordable housing use policy at (f).

Amended 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).

Public Notice: Notice of Receipt of and Action on a Petition for Rulemaking.

See: 29 N.J.R. 5333(b); 30 N.J.R. 494(a).

Administrative correction.

See: 30 N.J.R. 217(a).

Petition for Rulemaking.

See: 30 N.J.R. 2525(a), 30 N.J.R. 4077(a).

Amended by R.1998 d.571, effective December 7, 1998.

See: 30 N.J.R. 1679(a), 30 N.J.R. 4210(b).

Rewrote (e)1iii(3).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

In (b)3, rewrote the second sentence.

Case Notes

Construction permits issued without sufficient findings of fact were invalid. *Crema v. Dept. of Environmental Protection*, 192 N.J.Super. 505, 471 A.2d 422 (App.Div.1984) certiorari denied 96 N.J. 306, 307, 475 A.2d 597 (1984).

Regulation noted as being responsive to both CAFRA directions and to the fair share housing constitutional mandate of the Mount Laurel I decision. *Southern Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 456 A.2d 390, on remand 207 N.J.Super. 169, 504 A.2d 66 (1983).

Department of Environmental Protection to impose "fair share" housing conditions to provide for low and moderate income housing (citing former N.J.A.C. 7:7E-8.6 and 7:7E-8.11). In *re Egg Harbor Associates*, 185 N.J.Super. 507, 449 A.2d 1324 (App.Div.1982) affirmed 94 N.J. 358, 465 A.2d 1115 (1983).

Former rules for large scale residential development do not support conditional approval of construction permit for large scale development because of serious deficiencies in essential findings (citing former regulations and former N.J.A.C. 7:7E-8.11). *Crema v. Dept. of Environmental Protection*, 182 N.J.Super. 445, 442 A.2d 630 (App.Div.1982), affirmed as modified 94 N.J. 286, 463 A.2d 910 (1983).

Activity fit within the "repair, replacement or renovation" exemption from requirement for Waterfront Development Permit. *N.J.S.A. 12:5-3. Ward v. Department of Environmental Protection*, 91 N.J.A.R.2d 1 (EPE).

7:7E-7.3 Resort/recreational use

(a) "Resort/recreational uses" include the wide range of small and large developments attracted to and often dependent upon locations along the coast. These uses include hotels, motels, marinas, boating facilities, campgrounds, amusement piers, and park and recreational structures such as bathhouses, natural areas, open space for active and passive recreation, and linear paths for bicycling and jogging.

(b) Standards relevant to recreation priority are as follows:

1. Each waterfront municipality should contain at least one waterfront park on each body of water within the municipality. Municipalities that do not currently provide, or have active plans to provide, access to the water will not be eligible for Green Acres or Shore Protection Bond Funding.

2. Resort/recreation uses and commercial fisheries uses shall have priority over all other uses in Monmouth, Ocean, Atlantic, and Cape May counties with highest priority reserved for those uses that serve a greater rather than a lesser number of people, and those uses that provide facilities for people of all ages and for people with physical handicaps.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(c) Standards relevant to recreation areas within developments are as follows:

1. "Recreation areas" include a variety of types and sizes of open space adequate to accommodate appropriate recreational activities or facilities.

2. Appropriate recreation areas shall be incorporated in the design of all residential, industrial and commercial development to the maximum extent practicable, as necessary to ensure that needed on-site recreation opportunities will not be precluded by a lack of suitable open space. The "maximum extent practicable" will be determined based on guidelines of the Green Acres Program (N.J.S.A. 13:8A-1 et seq.) which consider the recreation resource supply and demand, the natural characteristics of the site, and the ability to identify a public agency or other organization willing to manage, maintain and develop the open space as a recreational resource. What is necessary will be determined by consideration of recreation resource supply and demand and municipal and county open space and recreation master plans.

3. Rationale: See the OAL Note at the beginning of this subchapter.

(d) Standards relevant to marinas are as follows:

1. Marina means any dock, pier, bulkhead, mooring or similar structure or a collection of adjacent structures under singular or related ownership providing permanent or semi-permanent dockage to five or more vessels.

2. New marinas or expansion or renovation (including, but not limited to, dredging, bulkhead construction and reconstruction, and relocation of docks) of existing marinas for recreational boating are conditionally acceptable if:

i. The marina includes the development of an appropriate mix of dry storage areas, public launching facilities, berthing spaces, repair and maintenance facilities, and boating and hardware supply facilities, depending upon site conditions.

ii. The marina posts prominent signs indicating discharges shall not be allowed within the basin and provides restrooms and marine septic disposal facilities for wastewater disposal from boats. For marinas with dockage for 25 or more vessels or any on vessel with live-aboard arrangement, adequate and conveniently located pumpout stations shall be provided.

iii. Restrooms and at least one portable toilet emptying receptacle shall be provided at a marina. The portable toilet emptying receptacle requirement may be satisfied either by the installation of a receptacle device or by the designation of either a pumpout or restroom facility for this use; and

(1) Discharge to a municipal or regional treatment plant where practicable;

(2) Discharge to a subsurface sewerage disposal system constructed in accordance with N.J.A.C. 7:9-2 and N.J.A.C. 7:7E-4.2(t); or

(f) Standards relevant to stormwater management system maintenance are as follows:

1. The long-term maintenance of stormwater management systems is a critical factor in the ongoing functioning of these systems. In cases where these existing systems have failed, the most common cause is inadequate maintenance of the system. Therefore, the following maintenance requirements shall be included as part of all stormwater management plans; shall be specifically identified on the site plans and in a stormwater system maintenance report for any proposed project; and, if required by the Program, shall be recorded with the deed for the property in question:

i. All information regarding the long-term maintenance of proposed stormwater management systems shall be provided as part of the initial permit application submission;

ii. The party or parties responsible for long-term maintenance of the system shall be clearly designated, and documentation of the assumption of this responsibility shall be provided as part of the permit application submission;

iii. All maintenance records shall be written, maintained and provided to the Department upon request;

iv. Maintenance of detention basins shall include, but not be limited to, the following activities:

(1) Visual inspection of all components of the stormwater management system at least twice each year;

(2) Removal of silt, soil, litter and other debris from all catch basins, inlets and drainage pipes, on a twice-yearly basis;

(3) Maintenance, including grass cutting, and replacement (if necessary) of all landscape vegetation within the basins, at least once each year;

(4) Removal of silt from within the basins at least once each year, or more frequently if noticeable buildup occurs, for disposal in an acceptable location; and

(5) The basin bottoms shall be aerated at least once each year, and shall be scraped and replanted at least once every five years, to prevent the sealing of the basin bottom by silt deposits.

v. Maintenance of constructed wetlands shall include, but not be limited to, the following:

(1) Visual inspection of all components of the system at least once every six months;

(2) Removal of silt, litter and other debris from all catch basins, inlets and drainage pipes at least once every six months, or as required;

(3) Vegetation harvesting at least once each year; and

(4) The approval of a stormwater management system which involves newly constructed wetlands on an upland site will automatically include the issuance of a Freshwater Wetlands General Permit 1 for maintenance of the wetlands, which shall be renewed by the permittee every five years.

vi. Maintenance of wet ponds/retention basins shall include, but not be limited to, annual monitoring of water quality, dissolved oxygen, vegetative growth and fish population.

vii. Maintenance of infiltration facilities shall include, but not be limited to:

(1) Annual tilling operation to maintain infiltration capacity, with revegetation as necessary; and

(2) Sediment removal shall be followed by retilling, at a time when the facility is thoroughly dry.

viii. Maintenance of swales, including, but not limited to, removal of grass clippings and leaves, shall be performed so that the facilities remain in working order.

ix. Maintenance of underground perforated pipe infiltration systems shall include, but not be limited to:

(1) Visual inspection of all system components at least twice each year;

(2) Vacuuming of all storm sewer inlets once every six months (frequency of vacuuming may be adjusted if first year maintenance records indicate that sediment and debris accumulation is insignificant; and

(3) Reverse flushing and vacuuming shall be required if system inspections indicate significant accumulation of sediment in the pipes.

(g) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(c)-(h) added; old (c) now (i).

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text added at (c)li.

Amended 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).

Amended by R.1996 d.391, effective August 19, 1996.

See: 28 N.J.R. 324(a), 28 N.J.R. 3924(a).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Rewrote (d)1iv(3).

7:7E-8.8 Vegetation

(a) "Vegetation" is the plant life or total plant cover that is found on a specific area, whether indigenous or introduced by humans.

(b) Coastal development shall preserve, to the maximum extent practicable, existing vegetation within a development site. Coastal development shall plant new vegetation, particularly appropriate native coastal species, to the maximum extent practicable.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).
Section 8.8 was "Soil erosion and sedimentation". The section was repealed.

7:7E-8.9 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).
Deleted text in (a) "Definitions and maps ... Cape May County" and inserted "which identify these areas".
Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).
Stylistic changes.
Repealed 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).
Section was "Important Wildlife Habitat".

7:7E-8.10 Air Quality

(a) The protection of air resources refers to the protection from air contaminants that injure human health, welfare or property, and to attainment and maintenance of State and Federal air quality goals and the prevention of degradation of current levels of air quality.

(b) Coastal development shall conform to all applicable State and Federal regulations, standards and guidelines and be consistent with the strategies of New Jersey's State Implementation Plan (SIP). See N.J.A.C. 7:27 and New Jersey SIP for ozone, particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead, and visibility.

(c) Coastal development shall be located and designed to take full advantage of existing or planned mass transportation infrastructures and shall be managed to promote mass transportation services, as required under the Traffic Policy (N.J.A.C. 7:7E-8.14(b)).

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).
Substantially amended.
Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text added at (b)1, 2 and (c) to require developments to monitor and mitigate impact.

7:7E-8.11 Public access to the waterfront

(a) Public access to the waterfront is the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts.

(b) Coastal development adjacent to all coastal waters, including both natural and developed waterfront areas, shall provide permanent perpendicular and linear access to the waterfront to the maximum extent practicable, including both visual and physical access. Development that limits public access and the diversity of the waterfront experiences is discouraged.

1. All development adjacent to water shall, to the maximum extent practicable, provide, within its site boundary, a linear waterfront strip accessible to the public. If there is a linear waterfront accessway on either side of the site and the continuation of which is not feasible within the boundaries of the site, a pathway around the site connecting to the adjacent parts, or potential parts of the waterfront path system in adjacent parcels shall be provided.

2. Municipalities that do not currently provide, or have active plans to provide, access to the water will not be eligible for Green Acres or Shore Protection funding.

3. Public access must be clearly marked, provide parking where appropriate, be designed to encourage the public to take advantage of the waterfront setting, and must be barrier free where practicable.

4. A fee for access, including parking where appropriate, to or use of publicly owned waterfront facilities shall be no greater than that which is required to operate and maintain the facility and must not discriminate between residents and non-residents except that municipalities may set a fee schedule that charges up to twice as much to non-residents for use of marinas and boat launching facilities for which local funds provided 50 percent or more of the costs.

5. All establishments, including marinas and beach clubs, which control access to tidal waters shall comply with the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

6. Public access, including parking where appropriate, shall be provided to publicly funded shore protection structures and to waterfronts created by public projects unless such access would create a safety hazard to the user. Physical barriers or local regulations which unreasonably interfere with access to, along or across a structure are prohibited.

7. Development within the Hudson River Waterfront Special Area shall conform with the additional requirements of N.J.A.C. 7:7E-3.48.

8. Development along Raritan Bay within Monmouth County shall be consistent with the Bayshore Waterfront Access Plan (Monmouth County Planning Board and the Trust for Public Land for NJDEP, 1987).

9. Development within the Atlantic City Special Area shall conform with the additional requirements at N.J.A.C. 7:7E-3.49;

10. Development elsewhere in the coastal zone shall conform with any adopted municipal, county or regional waterfront access plan, provided the plan is consistent with the Rules on Coastal Zone Management.

11. The Department may require some or all of the public access portion of a site to be dedicated for public use through measures such as conservation easements.

12. Development adjacent to coastal waters shall provide fishing access within the provision of public access wherever feasible and warranted.

13. Development adjacent to coastal waters shall provide barrier free access within the provisions of public access wherever feasible and warranted by the characteristics of the access area.

14. For developments which reduce existing on-street parking that is used by the public for access to the waterfront, mitigation for the loss of these public parking areas is required at a minimum of 1:1 within the proposed development site or other location within 250 feet of the proposed project site.

(c) At sites proposed for the construction of single family or duplex residential dwellings, which are not part of a larger development, public access to the waterfront is not required as a condition of the coastal permit.

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b)3-7 added.

Amended by R.1988 d.338, effective August 15, 1988.

See: 20 N.J.R. 139(a), 20 N.J.R. 2058(b).

Deleted (b)7 and substituted new.

Amended 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).

Amended by R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

In (b), inserted a new 9, and recodified former 9 through 13 as 10 through 14.

Law Review and Journal Commentaries

Resolving State Title Claims to Tidelands: Practice and Procedure. William E. Andersen, 168 N.J.Law. 8 (Mag.) (April 1995).

Case Notes

Regulation requiring coastal development to permit access to the waterfront to the maximum extent practicable, including both visual and

physical access, did not impose absolute prohibition against oceanfront development which interferes with the view of inland property owners. *Bubis v. Kassin*, 323 N.J.Super. 601, 733 A.2d 1232 (N.J.Super.A.D. 1999).

Project promoting public access and water dependent uses of waterfront property complied with Waterfront Development Act. Matter of Waterfront Development Permit No. 87-1235-1 by Dept. of Environmental Protection to Union County Utilities Authority, 257 N.J.Super. 524, 608 A.2d 973 (A.D.1992)

Shoreline development that limits public access and the diversity of shorefront experiences is discouraged (citing former N.J.A.C. 7:7E-9.12). *Lusardi v. Curtis Point Property Owners Assn.*, 86 N.J. 217, 430 A.2d 881 (1981).

7:7E-8.12 Scenic Resources and Design

(a) Scenic resources include the views of the natural and/or built landscape.

(b) Large-scale elements of building and site design are defined as the elements that compose the developed landscape such as size, geometry, massing, height and bulk structures.

(c) New coastal development that is visually compatible with its surroundings in terms of building and site design, and enhances scenic resources is encouraged. New coastal development that is not visually compatible with existing scenic resources in terms of large-scale elements of building and site design is discouraged.

(d) In all areas, except the Northern Waterfront region, the Delaware River Region and Atlantic City, new coastal development adjacent to a bay or ocean or bayfront or oceanfront, beach, dune or boardwalk and higher than 15 feet in height measured from the existing grade of the site or boardwalk shall:

1. Provide an open view corridor perpendicular to the water's edge in the amount of 30 percent of the frontage along the waterfront where an open view currently exists; and

2. Be separated from either the beach, dune, boardwalk, or waterfront, whichever is further inland, by a distance of equal to two times the height of the structure. However, exceptions may be made for infill sites within existing commercial areas along a public boardwalk where the proposed use is commercial and where the set-back requirement is visually incompatible with the existing character of the area.

(e) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Original 8.12 "Public services" was repealed. This new section was recodified from 8.14 and old text was deleted and new text substituted. Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Enhancement of scenic resources required at (d).

Amended 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).

7:7E-8.13 Buffers and Compatibility of Uses

(a) Buffers are natural or man-made areas, structures, or objects that serve to separate distinct uses or areas. Compatibility of uses is the ability for uses to exist together without aesthetic or functional conflicts.

(b) Development shall be compatible with adjacent land uses to the maximum extent practicable.

1. Development that is likely to adversely affect adjacent areas, particularly Special Areas (N.J.A.C. 7:7E-3.1 through 3.48) or residential or recreation uses, is prohibited unless the impact is mitigated by an adequate buffer. The purpose, width and type of the required buffer shall vary depending upon the type and degree of impact and the type of adjacent area to be affected by the development, and shall be determined on a case-by-case basis.

2. The rule regarding wetland buffers is found at N.J.A.C. 7:7E-3.28.

3. The following apply to buffer treatment:

i. All buffer areas shall be planted with appropriate vegetative species, either through primary planting or supplemental planting. This landscaping shall include use of mixed, native vegetative species, with sufficient size and density to create a solid visual screen within five years from the date of planting.

ii. Buffer areas which are forested may require supplemental vegetative plantings to ensure that acceptable visual and physical separation is achieved.

iii. Buffer areas which are non-forested will require dense vegetative plantings with mixed evergreen and deciduous trees and shrubs. Evergreens must be at least eight feet tall at time of planting; deciduous trees must be at least three inches caliper, balled and burlapped; shrubs must be at least three to four feet in height.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Deleted "policy" from (b).

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Stylistic changes.

Administrative change to (b)1.

See: 23 N.J.R. 1662(b).

Amended 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).

Case Notes

Record established that it was proper to deny permits to allow construction of new bulk materials handling port, particularly in view of availability of suitable land and water area at at least one existing port. In Matter of Bridgeton Bulk Materials Handling Facility. 93 N.J.A.R.2d (EPE) 203.

7:7E-8.14 Traffic

(a) Traffic is the movement of vehicles, pedestrians or ships along a route.

(b) Coastal development shall be designed, located and operated in a manner to cause the least possible disturbance to traffic systems.

1. Alternative means of transportation, that is, public and private mass transportation facilities and services, shall be considered and, wherever feasible, incorporated into the design and management of a proposed development, to reduce the number of individual vehicle trips generated as a result of the facility. Examples of alternative means of transportation include: van pooling, staggered working hours and installation of ancillary public transportation facilities such as bus shelters.

(c) When the level of service of traffic systems is disturbed by approved development, the necessary design modifications or funding contribution toward an area wide traffic improvement shall be prepared and implemented in conjunction with the coastal development, the satisfaction of the New Jersey Department of Transportation and any regional agencies.

(d) Any development that causes a location on a roadway to operate in excess of capacity Level D is discouraged. A developer shall undertake mitigation or other corrective measures as may be necessary so that the traffic levels at any affected intersection remain at capacity Level D or better. A developer may, by incorporating design modification or by contributing to the cost of traffic improvements, be able to address traffic problems resulting from the development, in which case development would be conditionally acceptable. Determinations of traffic levels which will be generated will be made by the New Jersey Department of Transportation.

(e) Coastal development shall provide sufficient on-site and/or off-site parking for its own use at a ratio of two spaces per residential unit. In general, on street parking spaces along public roads cannot be credited as part of off-site parking provided for a project. All off-site parking facilities must be located either in areas within reasonable walking distance to the development or areas identified by any local or regional transportation plans as suitable locations. All off-site parking facilities must also comply with N.J.A.C. 7:7E-7.5(d), the Parking Facility rule, where applicable.

(f) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Old 8.14 Solid Waste was repealed and section 8.16 was recodified here. Amendments to old 8.14 listed below.

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(c) added.

Amended 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).

7:7E-8.15 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Original 8.18 was "Neighborhoods and special communities", which was repealed.

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Old section 8:15 on energy conservation repealed; text on fertile soils recodified from 8.18.

Repealed 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).

Section was "Fertile Soils".

7:7E-8.16 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b): "policy" deleted; "shall" substituted for "must".

Amended by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Section recodified from 8.20. Old section 8.16 Traffic recodified to 8.14.

Repealed 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).

Section was "Noise Abatement".

7:7E-8.17 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended.

Repealed by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on wet soils and high permeability moist soils deleted.

7:7E-8.18 (Reserved)

Repealed by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Old section Fertile soils recodified to 8.15.

7:7E-8.19 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Old (b)2.-5. deleted and (c)-(e) added; old (c) now (f).

Repealed by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Old section was Flood prone areas.

7:7E-8.20 (Reserved)

Repealed by R.1990 d.413, effective August 20, 1990.

See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Text on noise abatement recodified to 8.16.

7:7E-8.21 Subsurface sewage disposal systems

(a) Subsurface sewage disposal system means a system for disposal of sanitary sewage into the ground which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to a disposal field.

(b) Acceptability conditions for subsurface sewage disposal systems are as follows:

1. Construction of the subsurface sewage disposal system is acceptable provided it meets all the provisions of the standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A) and receives approval from the appropriate administrative authority;

2. For areas subject to tidal flooding, the bottom elevation of the disposal bed must be at or above the 10 year flood elevation as determined by the Federal Emergency Management Agency Flood Insurance Study Reports;

3. Construction of subsurface sewage disposal systems must comply with all applicable standards of the National Flood Insurance Program Regulations (44 CFR 60) prepared by the Federal Emergency Management Agency (FEMA).

(c) Rationale: The subsurface sewage disposal system regulations provide standards for the proper location, design, construction, installation, alteration, operation and maintenance of individual subsurface disposal systems. These regulations serve to protect public health and safety and environment, potable water supplies, and safeguard fish and aquatic life while preserving their ecological values. In areas subject to tidal flooding subsurface sewage disposal systems constructed below the 10-year flood elevation are susceptible to failure during flooding events. Furthermore, construction of subsurface sewage disposal systems within coastal high hazard areas (V-zones) is prohibited in accordance with the National Flood Insurance Program Regulations.

New Rule, 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 1

Amended by R.2000 d.45, effective February 7, 2000.
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

DESIGN STANDARDS AND SPECIFICATIONS

(OAL NOTE: None of the figures comprising N.J.A.C. 7:7E Appendix 1 are reproducible in the New Jersey Administrative Code, but may be reviewed or a copy obtained by contacting the Office of Administrative Law, PO Box 049, Trenton, NJ 08625-0049.)

APPENDIX 2

BOUNDARIES OF COASTAL CENTERS IN THE CAFRA AREA NOT LOCATED ON BARRIER ISLANDS, OCEANFRONT SPITS, OR PENINSULAS

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of coastal centers in the CAFRA area other than those on the barrier islands, oceanfront spits, or peninsulas (the boundaries of which are set forth in Appendix 3).

In accordance with N.J.A.C. 7:7E-5.3(c), the impervious cover allowed on a site within a Department-delineated coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7E-5.3(d). The placement of impervious cover on a site in a coastal center may be further restricted by other provisions of this chapter, including the Special Area rules at N.J.A.C. 7:7E-3.

The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the coastal centers are listed alphabetically.

Maps of the coastal centers, for illustration only, may be reviewed at the Department, 401 East State Street, Trenton, New Jersey, (609) 292-1143. In case of any discrepancy between the maps and this text, this text shall govern. Note: When a point is described as being a certain distance from a particular street or railroad right-of-way, that distance is measured from the centerline of the right-of-way of such street or railroad.

I. Atlantic County coastal centers

A. Corbin City coastal hamlet

1. The coastal hamlet boundary extends from the southern intersection of State route 50 and Main Street (County route 611), thence a perpendicular distance of 500 feet east from State route 50, thence north along a line that is parallel to and 500 feet east of State route 50 to a point that is a perpendicular distance of 500 feet east of State route 50 at its intersection with Carl Road, thence west along that perpendicular line to State route 50, thence west on Carl Road to a point that is a perpendicular distance of 500 feet west of State route 50, thence south along a line that is parallel to and 500 feet west of State route 50 to Aetna Road, thence east on Aetna Road to Main Street (County route 611), and thence south on Main Street (County route 611) to State route 50.

B. Egg Harbor Township coastal centers

1. Egg Harbor coastal town

- a. The coastal town boundary extends from the intersection of English Creek Avenue and Schoolhouse Lane, thence south on Schoolhouse Lane to Mays Landinomers Point Road (County route 559), thence southeast on Mays Landinomers Point Road (County route 559) to Steelmanville Road (County

route 651), thence east on Steelmanville Road (County route 651) to Robert Best Road, thence northeast on Robert Best Road to a point that is a perpendicular distance of 2,000 feet west of Ocean Heights Avenue, thence south along a line that is parallel to and 2,000 feet west of Ocean Heights Avenue to Steelmanville Road (County route 651), thence west on Steelmanville Road (County route 651) to a point that is a perpendicular distance of 3,000 feet west of Ocean Heights Avenue, thence south along a line that is parallel to and 3,000 feet west of Ocean Heights Avenue to the Garden State Parkway, thence northeast on the Garden State Parkway to Ocean Heights Avenue, thence northwest on Ocean Heights Avenue to a point that is a perpendicular distance of 2,000 feet north of English Creek Avenue, thence west along a line that is parallel to and 2,000 feet north of English Creek Avenue to Evergreen Avenue, thence south on Evergreen Avenue to English Creek Avenue, and thence west on English Creek Avenue to Schoolhouse Lane.

2. West Atlantic City coastal town

- a. The coastal town boundary extends around that part of Egg Harbor Township that is (1) west of Atlantic City and north of Lakes Bay and (2) designated as Planning Area 5, but excludes any bay islands.

C. Estell Manor coastal hamlet

1. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 300 feet east of State route 50 between a point on State route 50 that is 1,000 feet south of Tuckahoe Road and a point on State route 50 that is 1,000 feet north of Tuckahoe Road.

D. Galloway Township coastal centers

1. Conovertown coastal village

- a. The coastal village boundary extends from the intersection of Davis Avenue and the Absecon/Galloway Township municipal boundary, thence east along the municipal boundary to a point that is a perpendicular distance of 300 feet east of US route 9, thence north along a line that is parallel to and 300 feet east of US route 9 to Brown Avenue, thence east on Brown Avenue to a point that is a perpendicular distance of 1,500 feet east of US route 9, thence north along a line that is parallel to and 1,500 feet east of US route 9 to Bartlett Avenue, thence west on Bartlett Avenue to a point that is a perpendicular distance of 300 feet west of US route 9, thence south along a line that is parallel to and 300 feet west of US route 9 to Pennsylvania Avenue, thence west on Pennsylvania Avenue to Marshall Avenue, thence south on Marshall Avenue to a point that is a perpendicular distance of 200 feet north of Brook Avenue, thence west along a line that is parallel to and 200 feet north of Brook Avenue to Seaview Avenue, thence south and southeast on Seaview Avenue to Davis Avenue, and thence south on Davis Avenue to the municipal boundary.

2. Galloway coastal town
 - a. The coastal town boundary extends from the intersection of Jimmie Leeds Road and New Leaf Court, thence north along a line that is perpendicular to Jimmie Leeds Road to Highlands Avenue, thence west on Highlands Avenue to Sylvan Avenue (Collins Road), thence north on Sylvan Avenue (Collins Road) to a point that is a perpendicular distance of 300 feet north of Great Creek Road, thence west along a line that is parallel to and 300 feet north of Great Creek Road to a point that is a perpendicular distance of 500 feet west of Pitney Road, thence south along a perpendicular line to Great Creek Road, thence west on Great Creek Road to a point that is a perpendicular distance of 300 feet west of Dennis Drive, thence south along a line that is parallel to and 300 feet west of Dennis Drive to a point that is a perpendicular distance of 300 feet north of Key Drive, thence southwest along a line that is parallel to and 300 feet west of Key Drive to Jimmie Leeds Road, thence southwest to a point that is a perpendicular distance of 1,500 feet southwest of Jimmie Leeds Road, thence southeast along a line that is parallel to and 1,500 feet southwest of Jimmie Leeds Road to Eighth Avenue, thence north on Eighth Avenue to a point that is a perpendicular distance of 1,000 feet southwest of Jimmie Leeds Road, thence east along a line that is parallel to and 1,000 feet southwest of Jimmie Leeds Road to a point that is a perpendicular distance of 1,000 feet southwest of Jimmie Leeds Road at its intersection with New Leaf Court, and thence northeast along that perpendicular line to Jimmie Leeds Road.
3. Oceanville coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of US route 9 and Somerstown Road, thence east on Somerstown Road to a point that is a perpendicular distance of 2,000 feet east of US route 9, thence north along a line that is parallel to and 2,000 feet east of US route 9 to Somers Landing Road, thence west on Somers Landing Road to a point that is a perpendicular distance of 200 feet east of US route 9, thence north along a line that is parallel to and 200 feet east of US route 9 to Lily Lake Road, thence west on Lily Lake Road to US route 9, thence west a perpendicular distance of 200 feet, thence south along a line that is parallel to and 200 feet west of US route 9 to a point that is a perpendicular distance of 200 feet west of US route 9 at its intersection with Somerstown Road, and thence east along that perpendicular line to the intersection of US route 9 and Somerstown Road.
4. Smithville coastal town
 - a. The coastal town boundary extends from the intersection of Pitney Road and Spencer Lane, thence east on Spencer Lane to its end, thence east on the same bearing as Spencer Lane to Collins Road, thence south on Collins Road to Galloway Road, thence east on Galloway Road 1,500 feet to an unnamed road, thence northeast on the unnamed road to Old Port Republic Road, thence north on Old Port Republic Road to Heritage Court, thence due east to a point that is a perpendicular distance of 1,800 feet west of US route 9, thence due north 750 feet, thence east along a line perpendicular to US route 9 to a point that is a perpendicular distance of 2,000 feet east of US route 9, thence southeast along a line that is perpendicular to Leeds Point Road to the intersection of Leeds Point Road and Evergreen Road, thence northeast on Leeds Point Road to Moss Mill Road, thence west on Moss Mill Road to Smitowen Road, thence north on Smitowen Road to the point at which it changes direction, thence northwest along a line a distance of 1,750 feet to the eastern end of an unnamed road, thence southwest along that unnamed road to US route 9, thence south on US route 9 to County route 610, thence northwest on County route 610 to its intersection with Glory Road, thence west from County route 610 a perpendicular distance of 1,000 feet, thence southeast along a line parallel to and a perpendicular distance of 1,000 feet southwest of County route 610 to a point that is a perpendicular distance of 1,000 feet north of Moss Mill Road, thence west along a line parallel to and a perpendicular distance of 1,000 feet north of Moss Mill Road to Cavesson Drive, thence south on Cavesson Drive to Moss Mill Road, thence west on Moss Mill Road to Old Port Republic Road, thence south on Old Port Republic Road to the southernmost property line of the Smithville School, thence west along the property line to Collins Road, thence south on Collins Road a distance of 1,500 feet, thence due west to Pitney Road, and thence south on Pitney Road to Spencer Lane.
5. Wrangleboro coastal town

- a. The coastal town boundary extends from a point on the Garden State Parkway that is 1,500 feet north of Jimmie Leeds Road, thence due east to a point that is a perpendicular distance of 2,000 feet east of Wrangleboro Road, thence north along a line that is parallel to and a perpendicular distance of 2,000 feet east of Wrangleboro Road to a point that is a perpendicular distance of 1,800 feet south of Collins Road, thence east along a line that is parallel to and 1,800 feet south of Collins Road to Pitney Road, thence south on Pitney Road a distance of 1,000 feet, thence a perpendicular distance of 1,700 feet east from Pitney Road, thence north along a line that is parallel to and a perpendicular distance of 1,700 feet east of Pitney Road to a point that is a perpendicular distance of 500 feet north of Moss Mill Road, thence west along a line that is parallel to and a perpendicular distance of 500 feet north of Moss Mill Road to Pitney Road, thence north along Pitney Road to a point that is a perpendicular distance of 1,500 feet north of Moss Mill Road, thence west along a line that is parallel to and a perpendicular distance of 1,500 feet north of Moss Mill Road to a point that is a perpendicular distance of 1,500 feet north of Moss Mill Road at its intersection with the Gallo-way Township/Port Republic City municipal boundary, thence south along a line perpendicular to Moss Mill Road to the intersection of Moss Mill Road and the municipal boundary, thence west along Moss Mill Road to Wrangleboro Road, thence south on Wrangleboro Road to Society Hill Drive, thence due west from Wrangleboro Road a perpendicular distance of 2,000 feet, thence south along a line that is parallel to and a perpendicular distance of 2,000 feet west from Wrangleboro Road for a distance of 3,000 feet, thence due west to the Garden State Parkway, and thence south on the Garden State Parkway to a point on the Garden State Parkway that is 1,500 feet north of Jimmie Leeds Road
- E. Hamilton Township coastal centers
 1. Clarkstown coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of Gravelly Run Road and Mays Landing Somers Point Road (County route 559), thence west on Gravelly Run Road to Clarkstown Road, thence northwest and north on Clarkstown Road to Old River Road, thence southeast on Old River Road to Mays Landing Somers Point Road (County route 559), and thence southeast on Mays Landing Somers Point Road (County route 559) to Gravelly Run Road.
 - F. Port Republic City coastal centers
 1. Chestnut Neck coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of the Garden State Parkway and US route 9, thence south on the Garden State Parkway to a point that is 3,000 feet south of the intersection of the Garden State Parkway and US route 9, thence southeast along a line that is perpendicular to the Garden State Parkway to Old New York Road (Chestnut Neck Road), thence northeast on Old New York Road (Chestnut Neck Road) to a point that is 1,400 feet north of the intersection of Old New York Road (Chestnut Neck Road) and US route 9, thence due west to US route 9, and thence north on US route 9 to the Garden State Parkway.
 2. Port Republic coastal village
 - a. The coastal village boundary extends from the intersection of Old New York Road (County route 575) and Adams Avenue, thence west on Adams Avenue to Clarks Landing Road (County route 624), thence northwest on Clarks Landing Road (County route 624) to the Garden State Parkway, thence west on the Garden State Parkway to a point that is a perpendicular distance of 800 feet west of Mill Road, thence south along a line that is parallel to and 800 feet west of Mill Road to Pomona Road, thence west on Pomona Road to Main Street, thence east on Main Street to Old New York Road (County route 575), and thence north on Old New York Road (County route 575) to Adams Avenue.
 - G. Weymouth Township coastal centers
 1. Belcoville coastal village
 - a. The coastal village boundary extends from the intersection of State route 50 and Grace Avenue, thence northeast on Grace Avenue to Madden Avenue, thence north on Madden Avenue to Lafayette Street, thence east on Lafayette Street to Grace Avenue, thence east on the same bearing to a point that is a perpendicular distance of 1,200 feet east of State route 50, thence north along a line that is parallel to and 1,200 feet east of State route 50 to Danenhaver Lane, thence west on Danenhaver Lane to State route 50, and thence south on State route 50 to Grace Avenue.
- II. Burlington County coastal centers
 - A. Bass River coastal village
 1. The coastal village boundary circumscribes an area that extends a perpendicular distance of 200 feet on either side of US route 9 between the Garden State Parkway and a point on US route 9 that is 2,000 feet east of the Garden State Parkway.
 - III. Cape May County coastal centers
 - A. Dennis Township coastal centers
 1. Clermont coastal hamlet
 - a. The coastal hamlet boundary extends from a point on the Dennis Township/Middle Township municipal boundary that is 700 feet west of US route 9, thence east along the border to the Garden State Parkway, thence north along the Garden State Parkway to a point due east of the southernmost intersection of US route 9 and Radcliffe Avenue (State Highway 83), thence west to the intersection of US route 9 and Radcliffe Avenue (State Highway 83), thence northeast along US

- route 9 to a point 1700 feet from the intersection of US route 9 and Radcliffe Avenue (State Highway 83), thence due west to Radcliffe Avenue (State Highway 83), and thence southwest along a line that is parallel to US route 9 to the municipal boundary.
2. Dennisville coastal village
 - a. The coastal village boundary extends from the intersection of State Highway 47 and Main Street north along Main Street to a point 400 feet south of Gatzmer Road, thence northeast along a line that is parallel to and 400 feet from Gatzmer Road to the Penn Central Reading Seashore railroad right of way, thence northeast along the railroad right of way to a point that is 400 feet south of Dennisville Road (County route 610), thence east along a line that is parallel to and 400 feet south of Dennisville Road (County route 610) to a point that is 400 feet west of the unnamed road leading to the Dennis Township municipal building, thence south along a line that is parallel to and 400 feet west of the unnamed road to a point that is 1,200 feet from Dennisville Road (County route 610), thence east along a line parallel to and 1,200 feet from Dennisville Road (County route 610) to a point that is 400 feet east of the unnamed road, thence north along a line that is parallel to and 400 feet east of the unnamed road to Dennisville Road (County route 610), thence west along Dennisville Road (County route 610) to State Highway 47, thence west a perpendicular distance of 400 feet from State Highway 47, thence southeast along a line that is parallel to and 400 feet west of State Highway 47 to a point 400 feet due west of the intersection of State Highway 47 and Main Street, and thence east to the intersection of State Highway 47 and Main Street.
 3. Eldora coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of Stipson's Island Road and Schoolhouse Lane, thence east on Schoolhouse Lane to a point 200 feet west of State route 47, thence southeast for a distance of 800 feet along a line parallel to and 200 feet west of State route 47, thence northeast along a line perpendicular to State route 47 to State route 47, thence northwest on State route 47 to a point 800 feet west of the intersection of State route 47 and Stipson's Island Road, thence a perpendicular distance of 200 feet south from State route 47, thence east along a line parallel to and 200 feet south of State route 47 to Stipson's Island Road, and thence south on Stipson's Island Road to Schoolhouse Lane.
 4. Oceanview coastal hamlet
 - a. The coastal hamlet boundary extends from a point that is a perpendicular distance of 400 feet west of the point on US route 9 that is 400 feet south of the intersection of US Route 9 and Sea Isle Boulevard, thence southeast along a line that is parallel to and 400 feet south of Sea Isle Boulevard to the Garden State Parkway, thence north on the Garden State Parkway to a point that is due east of the intersection of US Route 9 and Woodbine Oceanview Road (County route 550), thence west to the intersection of US Route 9 and Woodbine Oceanview Road (County route 550), thence west 400 feet on Woodbine Oceanview Road (County route 550), and thence south along a line that is parallel to and 400 feet west of US route 9 to a point that is a perpendicular distance of 400 feet west of the point on US route 9 that is 400 feet south of the intersection of US Route 9 and Sea Isle Boulevard.
 5. South Dennis coastal village
 - a. The coastal village boundary extends from the intersection of Court Housennisville Road (County route 657) and Gravel Hole Road, thence east on Gravel Hole Road to the New Jersey Transit railroad right of way, thence north along the railroad right of way to a point 200 feet south of Schoolhouse Lane (South Denniouth Seaville Road), thence east along a line parallel to and 200 feet south Schoolhouse Lane (South Denniouth Seaville Road) to State route 83, thence southeast on State route 83 to Village Lane, thence north a perpendicular distance of 500 feet from State route 83, thence northwest along a line that is parallel to and 500 feet north of State route 83 to a point that is a perpendicular distance of 500 feet northeast of a point on State route 83 that is 800 feet northwest of the intersection of State route 83 and Schoolhouse Lane (South Denniouth Seaville Road), thence southwest along that perpendicular line to State route 83, thence northwest on State route 83 to the southernmost point of the intersection of State route 83 and State route 47, thence west to a point that is a perpendicular distance of 500 feet west from State route 47, thence south along a line that is parallel to and 500 feet west of State route 47 to a point that is a perpendicular distance of 500 feet northwest of State route 47 at its intersection with Court House-Dennisville Road (County route 657), thence southeast along a line that is parallel to and 500 feet west of Court Housennisville Road (County route 657) to a point that is a perpendicular distance of 500 feet west of Court Housennisville Road (County route 657) at its intersection with Gravel Hole Road, and thence northeast along that perpendicular line to the intersection of Court Housouth Dennis Road (County route 657) and Gravel Hole Road.
 6. South Seaville coastal hamlet
 - a. The coastal hamlet boundary extends from a point that is a perpendicular distance of 400 feet west of the point on US route 9 that is 400 feet south of the intersection of US Route 9 and Sea Isle Boulevard, thence southeast along a line that is parallel to and 400 feet south of Sea Isle Boulevard to the Garden State Parkway, thence north on the Garden State Parkway to a point that is due east of the intersection of US Route 9 and Woodbine Oceanview Road (County route 550), thence west to the intersection of US Route 9 and Woodbine Oceanview Road (County route 550), thence west 400 feet on Woodbine Oceanview Road (County route 550), and thence south along a line that is parallel to and 400 feet west of US route 9 to a point that is a perpendicular distance of 400 feet west of the point on US route 9 that is 400 feet south of the intersection of US Route 9 and Sea Isle Boulevard.

- a. The coastal hamlet extends from the intersection of Clermonouth Seaville Road (County route 608) and Furlong Drive, thence east on Furlong Drive to a point that is a perpendicular distance of 500 feet east of Clermonouth Seaville Road (County route 608), thence north along a line parallel to and 500 feet east of Clermonouth Seaville Road (County route 608) to a point 500 feet south of Main Street, thence east along a line parallel to and 500 feet south of Main Street to Maple Avenue, thence north on Maple Avenue to its end and continuing on the same bearing to a point 500 feet north of Main Street, thence west along a line parallel to and 500 feet north of Main Street to Old Goshen Road, thence northeast on Old Goshen Road to its end, thence northwest along a line perpendicular to Corsons Tavern Road to a point 300 feet northwest of Corsons Tavern Road, thence southwest along a line parallel to and 300 feet from Corsons Tavern Road to a point 500 feet north of Main Street, thence west along a line parallel to and 500 feet north of Main Street to a point 500 feet west of Woodbine Boulevard, thence south along a line parallel to and 500 feet west of Woodbine Boulevard to a point that is due west of the intersection of Clermonouth Seaville Road (County route 608) and Furlong Drive, and thence due east to the intersection of Clermonouth Seaville Road (County route 608) and Furlong Drive.
- B. Lower Township coastal centers
1. Schellenger's Landing coastal town
 - a. The coastal town boundary circumscribes the island known as Schellenger's Landing, which is bordered by the Cape May Canal, Spicer Creek, Cape Island Creek and Cape May Harbor, but excludes any area seaward of the mean high water line.
 2. Town Bank/North Cape May coastal town
 - a. The coastal town boundary extends from the intersection of Shore Drive and Pinewood Road, thence east on Pinewood Road to Clubhouse Drive, thence south on Clubhouse Drive to Fernwood Road, thence east on Fernwood Road to Norwood Road, thence south on Norwood Road to Brookdale Road, thence west on Brookdale Road to Clubhouse Drive, thence south on Clubhouse Drive to Delair, thence east on Delair to Oxford, thence south on Oxford to Racetrack, thence south on Racetrack to Town Bank Road, thence southeast on Town Bank Road to Beachhurst Drive, thence north on Beachhurst Drive to Clearwater Drive, thence north on Clearwater Drive to Linda Anne Drive, thence east on Linda Anne Drive to Margaret Drive, thence north on Margaret Drive to Heidi Drive, thence east on Heidi Drive to Bayshore Road (County route 603), thence southwest on Bayshore Road (County route 603) to Fire Lane, thence southeast on Fire Lane to Apple Blossom Drive, thence east on Apple Blossom Drive to Sunnyside Drive, thence south on Sunnyside Drive to a point 200 feet north of Town Bank Road, thence southeast along a line parallel to and 200 feet north of Town Bank Road to Shunpike Road, thence south on Shunpike Road to US Route 9, thence west on US Route 9 to Adriatic Road, thence south on the same bearing as Adriatic Road to the mean high water line of the Cape May Canal, thence west along the mean high water line to Beach Drive, thence north on Beach Drive, which becomes Shore Drive, and thence north on Shore Drive to Pinewood Road.
3. Villas coastal village
 - a. The coastal village boundary extends from a point 300 feet north of the intersection of Delaware Avenue and Miami Avenue, thence southeast along a line parallel to and 300 feet north of Miami Avenue to a point 300 feet north of the intersection of Miami Avenue and Peters Road, thence south to the intersection of Miami Avenue and Peters Road, thence southeast a perpendicular distance of 500 feet, thence south along a line parallel to and 500 feet east of Peters Road to Tampa Avenue, thence southeast on Tampa Avenue to Pensacola Road, which becomes Princeton Street, thence south on Princeton Street to Bates Avenue, thence west on Bates Avenue to Harvard Avenue, thence south on Harvard Avenue to Caroline Avenue, thence east on Caroline Avenue to Star Avenue, thence south on Star Avenue to Fulling Mill Road, thence west on Fulling Mill Road to Bayshore Road, thence south on Bayshore Road to McKinley Road, thence west on McKinley Road to Weaver Avenue, thence south on Weaver Avenue to Edna Avenue, thence west on Edna Avenue to Fourth Avenue, thence southwest on Fourth Avenue to Bybrook Drive, thence southeast on Bybrook Drive to Baywyn Road, thence west on Baywyn Road to Clubhouse Drive, thence south on Clubhouse Drive to Mallow Road, thence west on Mallow Road to Shore Drive, thence north on Shore Drive to Fern Road, thence east on Fern Road to Shore Drive, thence north on Shore Drive to Delview Road, thence east on Delview Road to Bay Drive, thence north on Bay Drive to Wildwood Avenue, then northeast along a straight line to the intersection of Arbor Road and Delaware Bay Drive, thence north on Delaware Bay Drive to Birch Road, thence north along a straight line to the intersection of Cloverdale Avenue and Beach Avenue, thence north on Beach Avenue to Evergreen Avenue, thence north along a straight line to the intersection of Spruce Avenue and Delaware Avenue, thence north on Delaware Avenue to Maryland Avenue, thence west on Maryland Avenue to Delaware Bay Drive, thence north on Delaware Bay Drive, which becomes Millman Lane, thence north on Millman Lane, which becomes Delaware Avenue, and

thence north on Delaware Avenue to a point 300 feet north of Miami Avenue.

C. Middle Township coastal centers

1. Cape May Court House coastal regional center

- a. The coastal regional center boundary extends from the intersection of the Garden State Parkway and Crest Haven Road north on the Garden State Parkway to a point 200 feet north of the intersection of the Garden State Parkway and Crest Haven Road, thence northwest along a line perpendicular to the Garden State Parkway to the Connecticut Transmission Line, thence southwest along the Connecticut Transmission Line to County route 657 (Court Housouth Dennis Road), thence west a perpendicular distance of 1,500 feet, thence south along a line that is parallel to and 1,500 feet west of County route 657 (Court Housouth Dennis Road) to Magnolia Drive, thence southwest on Magnolia Drive to Church Street, thence west on Church Street to County route 615 (Goshen Road), thence north on Goshen Road to the Connecticut Transmission Line, thence southwest along the Connecticut Transmission Line to a point that is due west of the intersection of Pacific Avenue and Shunpike Road, thence east to the intersection of Pacific Avenue and Shunpike Road, thence east on Pacific Avenue to the railroad right of way, thence south along the railroad right of way to a point 2,000 feet south of Oyster Road, thence due east to the Garden State Parkway, and thence northeast on the Garden State Parkway to First Avenue, thence east on First Avenue to a point that is a perpendicular distance of 2,000 feet east of the Garden State Parkway, thence north along a line that is parallel to and 2,000 feet east of the Garden State Parkway to a point that is a perpendicular distance of 500 feet north of Stone Harbor Boulevard, thence west along a line that is parallel to and 500 feet north of Stone Harbor Boulevard to the Garden State Parkway, and thence northeast on the Garden State Parkway to Crest Haven Road.

2. Del Haven coastal village

- a. The coastal village boundary extends from the intersection of Delaware Avenue and Millman Boulevard, thence southwest on Delaware Avenue to Roosevelt Boulevard, thence southeast on Roosevelt Boulevard to 7th Street, thence southwest on 7th Street to a point 400 feet southwest of Roosevelt Boulevard, thence southeast along a line parallel to and 400 feet southwest of Roosevelt Boulevard to a point that is a perpendicular distance of 200 feet northwest of Bayshore Road (County route 603), thence southwest along a line that is parallel to and 200 feet northwest of Bayshore Road (County route 603) to a point that is a perpendicular distance of 200 feet north of Eldredge Avenue, thence west for a distance of 2,000 feet along a line that is parallel to and 200 feet north of Eldredge Avenue, thence due south to Eldredge Avenue, thence west on Eldredge Avenue to Delaware Avenue, thence south on Delaware Avenue to Sun Ray Beach Road, thence east on Sun Ray Beach Road to Oak Road, thence south on Oak Road to its end and then along the same bearing to a point 100 feet south of Rutledge Avenue, thence east along a line parallel to and 100 feet south of Rutledge Avenue to Bayshore Road, thence northeast on Bayshore Road to Lafayette Avenue, thence southeast on Lafayette Avenue to 15th Street, thence northeast on 15th Street to Norburys Landing Road (County route 642), thence northwest on Norburys Landing Road (County route 642) to 16th Street, thence northeast on 16th Street to its end, then along the same bearing to a point 800 feet northeast of Millman Boulevard, thence northwest along a line that is parallel to and 800 feet northeast of Millman Boulevard to a point that is northeast from the end of, and on the same bearing as, 7th Street, thence southwest along that bearing to 7th Street, thence southwest on 7th Street to Millman Boulevard, and thence northwest on Millman Boulevard to Delaware Avenue.

3. Goshen coastal hamlet

- a. The coastal hamlet boundary extends from the intersection of State route 47 and William Street, thence south on State route 47 to a point that is a perpendicular distance of 300 feet south of William Street, thence east along a line that is parallel to and 300 feet south of William Street to Goshen Road, thence north on Goshen Road to William Street, thence east on the same bearing as William Street for a distance of 300 feet, thence northwest along a line parallel to and 300 feet first from Goshen Road, then Goshewainton Road, and then State route 47, to a point that is 300 feet east of a point on State route 47 that is 1,000 feet north of the intersection of State route 47 and Goshen Landing Road, thence west along a line that is perpendicular to State route 47 to a point that is 300 feet west of State route 47, thence south along a line that is parallel to and 300 feet west of State route 47 to a point that is 300 feet west of the intersection of State route 47 and William Street, and thence east to the intersection of State route 47 and William Street.
4. Green Creek coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of Linda Lane and Paula Lane, thence northeast on Paula Lane to a point that is a perpendicular distance of 600 feet east of State route 47, thence northwest along a line that is parallel to and 600 feet east of State route 47 to Burleigh Road, thence northwest on Burleigh Road to a point that is a perpendicular distance of 400 feet east of State route 47, thence north along a line that is parallel to and 400 feet east of State route 47 to Lomurno Lane, thence west on Lomurno Lane to State route 47, thence west along the same bearing to a point that is a perpendicular distance of 400 feet west of State route 47, thence south along a line that is parallel to and 400 feet west of State route 47 to Linda Lane, and thence south on Linda Lane to Paula Lane.
5. Rio Grande coastal regional center
 - a. The coastal regional center boundary extends from the intersection of Rio Grande Avenue and US route 9, thence southeast on Rio Grande Avenue to 6th Street, thence north on 6th Street to State route 47, thence southeast on State route 47 to the Garden State Parkway, thence northeast on the Garden State Parkway to a point that is east of, and on the same bearing as, the southernmost west-east road in the Marlyn Manor Trailer Park (Maurice Street), thence northwest to Maurice Street, thence northwest on Maurice Street to its end, thence northwest along the same bearing to US route 9, thence northeast on US route 9 to a point that is east of, and on the same bearing as, Satt Road, thence west to Satt Road, thence northwest on Satt Road to Railroad Avenue, thence southwest on Railroad Avenue to Davis Road, thence northwest on Davis Road to Shunpike Road, thence southwest on Shunpike Road to State route 47, thence southeast on State route 47 to US route 9, and thence southwest on US route 9 to Rio Grande Avenue.
6. Swainton coastal hamlet
 - a. The coastal hamlet boundary extends from a point on Faith Run Road that is 500 feet west of US route 9, thence east on Faith Run Road to US route 9, thence east on the same bearing to a point that is 500 feet east of US route 9, thence northeast along a line that is parallel to and 500 feet east of US route 9 to a point 1,000 feet south of Avalon Boulevard, thence east along a line that is parallel to and 1,000 feet south of Avalon Boulevard to the Garden State Parkway, thence northeast on the Garden State Parkway to a point that is 1,000 feet north of Avalon Boulevard, thence northwest along a line that is parallel to and 1,000 feet north of Avalon Boulevard to the intersection of Brookridge Road and US route 9, thence northwest on Brookridge Road to a point 500 feet west of US route 9, and thence southwest along a line that is parallel to and 500 feet west of US route 9 to Faith Run Road.
7. Whitesboro/Burleigh coastal village
 - a. The coastal village boundary extends from the intersection of US route 9 and Kings Avenue, thence a perpendicular distance of 1,000 feet southeast of US route 9, thence northeast along a line that is parallel to and 1,000 feet southeast of US route 9 to Lena Street, thence east on Lena Street to its end, and continuing on the same bearing to the Garden State Parkway, thence north on the Garden State Parkway to Wildwood Boulevard, thence west on Wildwood Boulevard to US route 9, thence northeast on US route 9 for 500 feet, thence northwest along a line that is parallel to and 500 feet north of Indian Trail (County route 618) to the Connecticut transmission line, thence southwest along the Connecticut transmission line to a point that is northwest from the end of, and on the same bearing as, Kings Avenue, thence southeast along that bearing to Kings Avenue, and thence southeast on Kings Avenue to US route 9.
- D. Upper Township coastal centers
 1. Marmora/Beesley's Point/Palermo coastal town
 - a. The coastal town boundary extends from the intersection of the New Jersey Transit railroad right of way and Butter Road (County route 637) thence southeast on Butter Road to US route 9, thence north on US route 9 to Sea Sounds Lane, thence east on Sea Sounds Lane to its end, and continuing on the same bearing to the Garden State Parkway, thence north on the Garden State Parkway to Harbor Road, thence west on Harbor Road to US route 9, thence west to a point that is a perpendicular distance of 400 feet west from US route 9, thence south along a line that is parallel to and 400 feet west of US route 9 to Heritage Drive, thence west

on Heritage Drive to its end, thence due west to the Connecticut transmission line, thence south along the transmission line to Elmwood Avenue, thence east on Elmwood Avenue to County route 631, thence southwest on County route 631 to the New Jersey Transit railroad right of way, and thence southwest along the railroad right of way to Butter Road (County route 637).

2. Petersburg coastal village

a. The coastal village boundary extends from the intersection of Perry Road and State route 50 thence east on State route 50 to the upper wetlands boundary, thence north along the upper wetlands boundary to a point that is on the same bearing as White Pine Lane, thence west along that bearing to the end of White Pine Lane, thence west on White Pine Lane to Petersburg Avenue (County route 610), thence north on Petersburg Avenue (County route 610) to Tuckahoe Marmora Road, thence east on Tuckahoe-Marmora Road to Tuckahoe Road (County route 631), thence west on Tuckahoe Road (County route 631) to State route 50, and thence southeast on State route 50 to Perry Road.

3. Seaville coastal hamlet

a. The coastal hamlet boundary extends from the intersection of Hope Corson Road and State route 50, thence due west to the Connecticut main transmission line, thence southwest along the transmission line to the Upper Township/Dennis Township boundary, thence southeast along the township boundary to the Garden State Parkway, thence northeast on the Garden State Parkway to Hope Corson Road, thence northwest on Hope Corson Road to State route 50.

4. Tuckahoe coastal hamlet

a. The coastal hamlet boundary extends from the intersection of State route 50 and Budd Avenue thence east on Budd Avenue to a point 500 feet east of State route 50, thence north along a line that is parallel to and 500 feet east of State route 50 to a point that is 200 feet south of Schoolhouse Lane, thence east for a distance of 500 feet along a line that is parallel to and 200 feet south of Schoolhouse Lane, thence north along a line that is perpendicular to Schoolhouse Lane to a point that is 200 feet north of Schoolhouse Lane, thence west along a line that is parallel to and 200 feet north of Schoolhouse Lane to a point that is 500 feet east of State route 50, thence north along a line that is parallel to and 500 feet east of State route 50 to Mosquito Landing Road, thence west on Mosquito Landing Road to State route 50, thence south on State route 50 to a point that is 500 feet north of State route 49, thence west along a line that is parallel to and 500 feet north of State route 49 to 2nd Avenue, thence south on 2nd Avenue to State route 49, thence east on State route 49 to State route 50, thence south on State route 50 to Budd Avenue.

E. West Cape May coastal town

1. The coastal town boundary extends from a point on Sunset Boulevard that is 600 feet west of Broadway, thence south along a line parallel to and 600 feet west of Broadway to the municipal boundary, thence east along the municipal boundary to Broadway, thence north along Broadway to Perry Street, thence east on Perry Street to the West Cape May/Cape May City municipal boundary, thence north along the municipal boundary to a point 150 feet north of Myrtle Avenue, thence west along a line parallel to and 150 feet north of Myrtle Avenue to a point 150 feet east of Park Boulevard, thence north along a line parallel to and 150 feet east of Park Boulevard to a point 150 feet north of Leaming Avenue, thence west along a line parallel to and 150 feet north of Leaming Avenue to a point 400 feet east of Broadway, thence north along a line parallel to and 400 feet east of Broadway to a point that is a perpendicular distance of 100 feet north of Central Avenue, thence west along a line a perpendicular distance of 100 feet north of Central Avenue to a point 400 feet west of Broadway, thence south along a line that is parallel to and 400 feet west of Broadway to Sixth Avenue, thence west on Sixth Avenue to State Street, thence south on State Street to Fifth Avenue, thence east on Fifth Avenue to Green Street, thence south on Green Street to Fourth Avenue, thence east on Fourth Avenue to Columbia Avenue, thence south on Columbia Avenue to Third Avenue, thence west on Third Avenue to Morrison Avenue, thence south on Morrison Avenue to Sunset Boulevard, and thence east on Sunset Boulevard to a point 600 feet west of Broadway.

IV. Cumberland County coastal centers

A. Bridgeton coastal regional center

1. The coastal regional center boundary extends from the intersection of Barrett's Run Road (County route 661) and Roadstown Road (State route 626), thence south on Barrett's Run Road (County route 661) to a point that is a perpendicular distance of 1,000 feet south of Roadstown Road (County route 626), thence east along a line that is parallel to and 1000 feet south of Roadstown Road (State route 626) to a point that is north of the end of, and on the same bearing as, County House Lane, thence south to County House Lane, thence south on County House Lane to Trench Road (County route 699), thence east on Trench Road (County route 699) to Dutch Neck Road (County route 650), thence north on Dutch Neck Road (County route 650) to the Bridgeton/Hopewell municipal boundary, thence south and east along the municipal boundary to the west bank of the Cohansey River, thence east across the Cohansey River to the mean high water line on the east bank of the Cohansey River, thence south along the mean high water line to the municipal boundary, thence east along the municipal boundary to Burlington Road, thence north on Burlington Road to State route 49, thence west on State route 49 to West Avenue, thence south on West Avenue to Roadstown Road (State route 626), and thence west on Roadstown Road (State route 626) to Barrett's Run Road (County route 661).

- B. Commercial Township coastal centers
1. Mauricetown coastal village
 - a. The coastal village boundary extends from a point on Noble Street that is 200 feet west of Second Street, thence south to a point that is west of, and on the same bearing as, South Street, thence east to the intersection of Second Street and South Street, thence due south 200 feet, thence east along a line that is parallel to and 200 feet south of South Street to Front Street, thence north on Front Street to South Street, thence east from Front Street a perpendicular distance of 200 feet, thence north along a line that is parallel to and 200 feet east of Front Street to High Street (Haleyville Mauricetown Road), thence west on High Street (Haleyville Mauricetown Road) to a point that is 1600 feet west of Fourth Street, thence due south to Noble Street, and thence east on Noble Street to a point 200 feet west of Second Street.
 2. Port Norris coastal village
 - a. The coastal village boundary extends from the intersection of Warren Lane (County route 680) and Warren Street, thence south on Warren Lane (County route 680) to a point that is a perpendicular distance of 1,000 feet south of Main Street, thence east along a line that is parallel to and 1,000 feet south of Main Street to a point that is a perpendicular distance of 1000 feet south of a point on Main Street that is 200 feet east of Maurice Avenue, thence north along that perpendicular line to a point that is a perpendicular distance of 200 feet south of Main Street, thence east along a line parallel to and 200 feet south of Main Street to its end, thence north along a line that is perpendicular to Main Street to a point 200 feet north of Main Street, thence west along a line parallel to and 200 feet north of Main Street to a point that is a perpendicular distance of 200 feet east of Maurice Avenue, thence north along a line parallel to and 200 feet east of Maurice Avenue to Brown Street, thence west on Brown Street to a point that is a perpendicular distance of 500 feet east of North Avenue, thence north along a line that is parallel to and 500 feet east of North Avenue to a point that is due east of the intersection of North Avenue and Wockyock Road, thence west to the intersection of North Avenue and Wockyock Road, thence southwest on Wockyock Road to Warren Street, and thence west on Warren Street to the intersection of Warren Street and Warren Lane (County route 680).
- C. Downe Township coastal centers
1. Dividing Creek coastal village
 - a. The coastal village boundary extends from the intersection of Campbell Street and Main Street (County route 553), thence southeast on Main Street (County route 553) to Union Street, thence northeast on Union Street to the point at which it changes direction, thence north along the same bearing to a point 200 feet northwest of the point at which Union Street changes direction, thence northwest along a line parallel to and 200 feet northwest of Union Street to a point that is a perpendicular distance of 200 feet northwest of Church Street, thence southwest along a line that is parallel to and 200 feet northwest of Church Street to a point that is a perpendicular distance of 200 feet north of Hickman Avenue, thence west along a line that is parallel to and 200 feet north of Hickman Avenue to a point that is a perpendicular distance of 200 feet north of Hickman Avenue at its intersection with Campbell Street, thence south to the intersection of Hickman Avenue and Campbell Street, thence southwest a perpendicular distance of 200 feet from Campbell Street, thence southeast along a line that is parallel to and 200 feet southwest of Campbell Street to a point that is a perpendicular distance of 200 feet southwest of the point at which Campbell Street changes direction, thence northeast to the point at which Campbell Street changes direction, and thence northeast on Campbell Street to Main Street (County route 553).
 2. Fortescue coastal village
 - a. The coastal village boundary extends from a point on Delaware Avenue that is 800 feet south of the intersection of Delaware Avenue and Downe Avenue, thence east a perpendicular distance of 700 feet, thence north along a line that is parallel to and 700 feet east of Delaware Avenue to Downe Avenue, thence east and north on Downe Avenue to Creek Road, thence west and northwest on Creek Road to River Road, thence west on River Road to Delaware Avenue, and thence south on Delaware Avenue to Downe Avenue.
 3. Newport coastal village
 - a. The coastal village boundary extends from a point on Fortescue Road that is 500 feet south of the intersection of Hall Street and Fortescue Road, thence northeast along a line that is parallel to and 500 feet south and east of Hall Street to a point that is a perpendicular distance of 200 feet south of Methodist Road, thence southeast along a line that is parallel to and 200 feet south of Methodist Road to a point that is 1,800 feet southeast of the intersection of Methodist Road and Mill Road, thence northeast along a line to a point that is a perpendicular distance of 200 feet north of Methodist Road, thence northwest along a line that is parallel to and 200 feet north of Methodist Road to a point that is a perpendicular distance of 200 feet east of Mill Road, thence north along a line that is parallel to and 200 feet east of Mill Road to a point that is a perpendicular distance of 100 feet north of County route 656, thence southwest along a line that is parallel to and 100 feet north of Main Street (County route 656) to a point that is a perpendicular distance of 100 feet north of a point on Main Street (County

route 656) that is 1000 feet southwest of its intersection with Fortescue Road, thence south along a line that is perpendicular to Main Street (County route 656) to a point that is 100 feet south of Main Street (County route 656), thence northeast along a line that is parallel to and 100 feet south of County route 656 (Main Street) to a point that is 200 feet west of Fortescue Road, and thence south along a line that is parallel to and 200 feet west of Fortescue Road to a point that is a perpendicular distance of 200 feet west of a point on Fortescue Road that is 500 feet south of its intersection with Hall Street.

D. Fairfield Township coastal centers

1. Fairton coastal village

- a. The boundary for the southern part of the coastal village extends from a point on Rockville Road that is 1,400 feet west of the intersection of Rockville Road and Cedarville Road, thence south a perpendicular distance of 200 feet, thence east along a line that is parallel to and 200 feet south of Rockville Road to a point that is a perpendicular distance of 200 feet west of Cedarville Road, thence south along a line that is parallel to and 200 feet west of Cedarville Road to a point that is a perpendicular distance of 200 feet west of a point on Cedarville Road that is 2,000 feet south of its intersection with Rockville Road, thence east along a line that is perpendicular to Cedarville Road to a point that is 200 feet east of Cedarville Road, thence north along a line that is parallel to and 200 feet east of Cedarville Road to a point that is due west of the intersection of Lummis Mill Road and the former Central Railroad of New Jersey right-of-way, thence due east to of the intersection of Lummis Mill Road and the former Central Railroad of New Jersey right-of-way, thence northeast along the railroad right-of-way to a point that is a perpendicular distance of 300 feet north of Main Street (County route 698), thence southwest along a line that is parallel to and 300 feet north of Main Street (County route 698) to a point that is a perpendicular distance of 200 feet east of Cohansey River Drive, thence north along a line that is parallel to and 200 feet east of Cohansey River Drive to a point that is 900 feet north of Main Street (County route 698), thence west along a line that is perpendicular to Cohansey River Drive to a point that is 200 feet west of Cohansey River Drive, thence south along a line that is parallel to and 200 feet west of Cohansey River Drive to Main Street (County route 698), thence west on Main Street (County route 698) to a point that is 200 feet west of Noble Avenue, thence south along a line that is parallel to and 200 feet west of Noble Avenue to a point that is a perpendicular distance of 200 feet north of Rockville Road, thence west along a line that is parallel to and 200 feet north of Rockville Road to a point that is a perpendicular distance of 200 feet north of a point on Rockville Road that is 1,400 feet west of its intersection with Cedarville Road, and thence south to Rockville Road.

- b. The boundary for the northern part of the coastal village extends from a point on Bridgetoairton Road that is 1,000 feet south of its intersection with Fairtoouldtown Road (County route 553), thence east a perpendicular distance of 200 feet, thence north along a line that is parallel to and 200 feet east of Bridgetoairton Road to a point that is a perpendicular distance of 200 feet south of Fairtoouldtown Road (County route 553), thence northeast along a line that is parallel to and 200 feet south of Fairtoouldtown Road (County route 553) to a point that is 200 feet southeast of a point on Fairtoouldtown Road (County route 553) that is 1,000 feet northeast of its intersection with Bridgetoairton Road, thence north along a line that is perpendicular to Fairtoouldtown Road (County route 553) to a point that is a perpendicular distance of 200 feet northwest of Fairtoouldtown Road (County route 553), thence southwest along a line that is parallel to and 200 feet north of Fairtoouldtown Road (County route 553) to a point that is a perpendicular distance of 200 feet east of Bridgetoairton Road, thence north along a line that is parallel to and 200 feet east of Bridgetoairton Road to a point that is a perpendicular distance of 200 feet east of a point on Bridgetoairton Road that is 1,000 feet north of its intersection with Fairtoouldtown Road (County route 553), thence west along a line that is perpendicular to Bridgetoairton Road to a point that is 200 feet west of Bridgetoairton Road, thence south along a line that is parallel to and 200 feet west of Bridgetoairton Road to a point that is a perpendicular distance of 200 feet west of a point on Bridgetoairton Road that is 1,000 feet south of its intersection with Fairtoouldtown Road (County route 553), and thence east a perpendicular distance of 200 feet to Bridgetoairton Road.

E. Greenwich Township coastal centers

1. Greenwich coastal village

- a. The coastal village boundary extends from a point on Market Lane that is 1,600 feet west of the intersection of Market Lane and Main Street, thence a perpendicular distance of 300 feet south from Market Lane, thence east along a line that is parallel to and 300 feet south of Market Lane to a point that is a perpendicular distance of 500 feet west of Main Street, thence south along a line that is parallel to and 500 feet west of Main Street to a point that is west of the southern end of Main Street, thence east along a line that is perpendicular to Main Street to a point that is 500 feet east of the southern end of Main Street, thence north along a line that is parallel to and 500 feet east of Main Street to a point that is a perpendicular distance of 200 feet south of Greenwich Road, thence east along a line that is parallel to and 200 feet south of Greenwich Road to a point that is 2,000 feet east of the intersection of Greenwich Road and Main Street, thence north along a line that is perpendicular to Greenwich Road to a point that is a perpendicular distance of 500 feet north of Greenwich Road, thence west a line that is parallel to and 500 feet north of Greenwich Road to a point that is a perpendicular distance of 500 feet east of Main Street, thence north along a line that is parallel to and 500 feet east of Main Street to a point that is 500 feet east of a point on Main Street that is 1,500 feet north of the intersection of Main Street and Bacon's Neck Road, thence west along a line that is perpendicular to Main Street to a point that is a perpendicular distance of 500 feet west of Main Street, thence south along a line that is parallel to and 500 feet west of Main Street to a point that is a perpendicular distance of 300 feet north of Bacon's Neck Road, thence west along a line that is parallel to and 300 feet north of Bacon's Neck Road to a point that is 1,600 feet west of Main Street, thence south along a line that is perpendicular to Bacon's Neck Road to a point that is a perpendicular distance of 300 feet south of Bacon's Neck Road, thence east along a line that is parallel to and 300 feet south of Bacon's Neck Road to a point that is a perpendicular distance of 500 feet west of Main Street, thence south along a line that is parallel to and 500 feet west of Main Street to a point that is a perpendicular distance of 300 feet north of Market Lane, thence west along a line that is parallel to and 300 feet north of Market Lane to a point that is 1,600 feet from Main Street, and thence south along a perpendicular line to Market Lane.
2. Othello coastal hamlet
 - a. The coastal hamlet boundary extends from a point on Ye Greate Street (County route 623) that is 1,200 feet south of the intersection of Ye Greate Street (County route 623) and Springtown Road (County route 620), thence east from Ye Greate Street (County route 623) a perpendicular distance of 200 feet, thence north along a line that is parallel to and 200 feet east of Ye Greate Street (County route 623) to a point that is a perpendicular distance of 200 feet south of Springtown Road (County route 620), thence east along a line that is parallel to and 200 feet south of Springtown Road (County route 620) to a point that is 800 feet east of Ye Greate Street (County route 623), thence north along a line that is perpendicular to Springtown Road (County route 620) to a point that is a perpendicular distance of 200 feet north of Springtown Road (County route 620), thence west along a line that is parallel to and 200 feet north of Springtown Road (County route 620) to a point that is a perpendicular distance of 200 feet east of Ye Greate Street (County route 623), thence north along a line that is parallel to and 200 feet east of Ye Greate Street (County route 623) to a point that is a perpendicular distance of 200 feet southeast of Upper Roadstown Road, thence northeast along a line that is parallel to and 200 feet southeast of Upper Roadstown Road a distance of 600 feet, thence northwest along a line that is perpendicular to Upper Roadstown Road to a point that is a perpendicular distance of 200 feet northwest of Upper Roadstown Road, thence southwest along a line that is parallel to and 200 feet northwest of Upper Roadstown Road to Ye Greate Street (County route 623), thence west a perpendicular distance of 200 feet, thence south along a line that is parallel to and 200 feet west of Ye Greate Street (County route 623) to a point that is a perpendicular distance of 200 feet north of Mill Street, thence west along a line that is parallel to and 200 feet north of Mill Street a distance of 300 feet, thence south along a line that is perpendicular to Mill Street to a point that is a perpendicular distance of 200 feet south of Mill Street, thence east along a line that is parallel to and 200 feet south of Mill Street to a point that is 200 feet west of Ye Greate Street (County route 623), thence south along a line that is parallel to and 200 feet west of Ye Greate Street (County route 623) to a point that is a perpendicular distance of 200 feet west of the point on Ye Greate Street (County route 623) that is 1,200 feet south of its intersection with Springtown Road (County route 620), and thence east to Ye Greate Street (County route 623).
3. Springtown coastal hamlet
 - a. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 300 feet on each side of Roadstown Greenwich Road (County route 620) between a point on Roadstown Greenwich Road (County route 620) that is 1,200 feet south of its intersection with Sheppards Hill Road (County route 650) and a point on Roadstown Greenwich Road (County route 620) that is 1,200 feet north of its intersection with Sheppards Hill Road (County

- route 650); and another area that extends a perpendicular distance of 300 feet on each side of Sheppards Hill Road (County route 650) between a point on Sheppards Hill Road (County route 650) that is 1,200 feet west of its intersection with Roadstown Greenwich Road (County route 620) and a point on Sheppards Hill Road (County route 650) that is 1,200 feet east of its intersection with Roadstown Greenwich Road (County route 620).
- F. Hopewell and Stow Creek Townships coastal centers
1. Roadstown coastal hamlet
 - a. The coastal hamlet boundary extends from a point that is a perpendicular distance of 300 feet west of Roadstowngreenwich Road (State route 620) at its intersection with Hospital Road (County route 703), thence east a perpendicular distance from Roadstowngreenwich Road (State route 620) to a point that is 300 feet east of Roadstowngreenwich Road (State route 620), thence north along a line that is parallel to and 300 feet east of Roadstowngreenwich Road (State route 620) to a point that is a perpendicular distance of 300 feet south of Roadstowericho Road (State route 626), thence east along a line that is parallel to and 300 feet south of Roadstowericho Road (State route 626) to a point that is a perpendicular distance of 300 feet south of the intersection of Roadstowericho Road (State route 626) and Bowentown Road, thence north along a straight line to Roadstowericho Road (State route 626), thence west on Roadstowericho Road (State route 626) to a point that is 600 feet west of its intersection with Roadstowngreenwich Road (State route 620), thence south a perpendicular distance of 300 feet, thence east along a line that is parallel to and 300 feet south of Roadstowericho Road (State route 626) to a point that is a perpendicular distance of 300 feet west of Roadstowngreenwich Road (State route 620), and thence south along a line that is parallel to and 300 feet west of Roadstowngreenwich Road (State route 620) to a point that is a perpendicular distance of 300 feet west of Roadstowngreenwich Road (State route 620) at its intersection with Hospital Road (County route 703).
- G. Lawrence Township coastal centers
1. Cedarville coastal village
- H. Millville City coastal centers
1. Laurel Lake coastal village
 - a. The coastal village boundary extends from the intersection of Silver Run Road (County route 627) and Main Drive, thence southeast on Main Drive to King Drive, thence south on King Drive to River Drive, thence southeast on River Drive to Fir Court, thence southwest on Fir Court to Lake Shore Drive, thence southwest on Lake Shore Drive to Buckshutem Road, thence northwest on Buckshutem Road to Silver Run Road (County route 627), and thence northwest on Silver Run Road (County route 627) to Main Drive.
- V. Ocean County coastal centers
- A. Barnegat coastal town
 - a. The coastal village boundary extends from the intersection of Main Street (County route 553) and Sawmill Road, thence northeast on Sawmill Road to the former Central Railroad of New Jersey right of way, thence northwest along the railroad right of way to North Avenue, thence southwest on North Avenue to a point that is a perpendicular distance of 500 feet northeast of Main Street (County route 553), thence northwest along a line that is parallel to and 500 feet north of Main Street (County route 553) to a point that is a perpendicular distance of 500 feet northeast of the intersection of Main Street (County route 553) and County route 652, thence southwest along a line to a point that is a perpendicular distance of 500 feet southwest of the intersection of Main Street (County route 553) and County route 652, thence southeast along a line that is parallel to and 500 feet southwest of Main Street (County route 553) to a point that is a perpendicular distance of 500 feet west of the intersection of Main Street (County route 553) and Franklin Street, thence south along a line that is parallel to and 500 feet west of Franklin Street to Maple Avenue, thence south along a line to a point that is a perpendicular distance of 500 feet south of Maple Avenue, thence east along a line that is parallel to and 500 feet south of Maple Avenue to a point that is a perpendicular distance of 500 feet southwest of Main Street (County route 553), thence southeast along a line that is parallel to and 500 feet southwest of Main Street (County route 553) to a point that is 500 feet west of Main Street (County route 553) at its intersection with Sawmill Road, and thence northeast to the intersection of Main Street (County route 553) and Sawmill Road.

1. The coastal town boundary extends from the intersection of Atlantic Avenue and Main Street (US route 9), thence north on Main Street (US route 9) to Brook Street, thence east on Brook Street to School Street, thence north on School Street to Bay Avenue, thence east on Bay Avenue to Water Street, thence north and northwest on Water Street to Main Street (US route 9), thence northeast on Main Street (US route 9) to Rose Hill Road, thence northwest on Rose Hill Road to Barnegat Boulevard, thence southwest on Barnegat Boulevard to Bay Avenue, thence east on Bay Avenue to Gunning River Road, thence south on Gunning River Road to Atlantic Avenue, and thence southeast on Atlantic Avenue to Main Street (US route 9).
- B. Beachwood Borough coastal town
1. The coastal town boundary extends from a point on the Beachwood Borough/South Toms River municipal boundary that is a perpendicular distance of 125 feet north of Atlantic City Boulevard, thence southeast along a line that is parallel to and 125 feet north of Atlantic City Boulevard to the Pine Beach Borough/Beachwood Borough municipal boundary, thence southwest along the Pine Beach Borough/Beachwood Borough municipal boundary, which becomes the Berkeley Township/Beachwood Borough municipal boundary, to Pinewald Road, thence north on Pinewald Road to Hickory Street, thence northwest on Hickory Street to the Garden State Parkway, and thence north on the Garden State Parkway to Chestnut Street, thence southeast on Chestnut Street to Surf Avenue, thence northeast on Surf Avenue to Admiral Avenue, thence northeast on Admiral Avenue to Central Way, thence northwest on Central Way to the Beachwood Borough/South Toms River municipal boundary, and thence northeast along the Beachwood Borough/South Toms River municipal boundary to a point that is a perpendicular distance of 125 feet north of Atlantic City Boulevard.
- C. Brick Township coastal town
1. The boundary for the southern part of the coastal town extends from the intersection of State route 70 and Cedar Bridge Avenue, thence southeast on Cedar Bridge Avenue to Brick Boulevard, thence north on Brick Boulevard to State route 70, thence northeast on State route 70 to Jack Martin Boulevard, thence northwest on Jack Martin Boulevard to State route 88, thence south a perpendicular distance of 200 feet, thence east along a line that is parallel to and 200 feet south of State route 88 to West Princeton Avenue, thence southeast on West Princeton Avenue to a point that is a perpendicular distance of 600 feet north of State route 70, thence southwest along a line that is parallel to and 600 feet north of State route 70 to a point that is a perpendicular distance of 1,300 feet northeast of Chambers Bridge Road, thence northwest along a line that is parallel to and 1,300 feet northeast of Chambers Bridge Road to the Brick Township/Lakewood Township municipal boundary, thence west and south along the municipal boundary to a point that is a perpendicular distance of 450 feet north of Cedar Bridge Avenue, thence east along a straight line to a point on State route 70 that is 900 feet northeast of Cedar Bridge Avenue, and thence southwest on State route 70 to Cedar Bridge Avenue; and
2. The boundary for the northern part of the coastal town extends from the north end of Hendrickson Avenue, thence southeast along a line that is parallel to Pello Road to State route 70, thence northeast on State route 70 to a point that is a perpendicular distance of 100 feet west of Morris Avenue, thence north along a line that is parallel to and 100 feet west of Morris Avenue to the end of Morris Avenue, thence west along a straight line to the intersection of Hayes Avenue and Sweeney Avenue, thence southwest on Sweeney Avenue to its end, thence southeast along a line perpendicular to Sweeney Avenue to a point that is on an imaginary line extending northeast from, and on the same bearing as, Hendrickson Avenue, and thence southwest to the north end of Hendrickson Avenue.
- D. Dover Township coastal centers
1. Toms River coastal regional center
 - a. The coastal regional center boundary extends from intersection of the former Central Railroad of New Jersey railroad right of way and the Manchester Township/Dover Township municipal boundary thence east along the railroad right of way to the Dover Township/Berkeley Township municipal boundary, thence southeast along the municipal boundary to Main Street, thence east along the north bank of the Toms River to the Island Heights Borough municipal boundary, thence north, east, south and east along the municipal boundary to the mean high water line of Barnegat Bay, thence north and east along the mean high water line of Barnegat Bay to Adams Avenue, thence west on Adams Avenue to a point that is a perpendicular distance of 500 feet from Fischer Boulevard, thence northwest along a line parallel to and 500 feet east of Fischer Boulevard to a point 1,000 feet southeast of Hooper Avenue, thence northeast along a line that is parallel to and 1,000 feet southeast of Hooper Avenue to the Dover Township/Brick Township municipal boundary, thence west along the municipal boundary to a point that is a perpendicular distance of 1,000 feet west of Hooper Avenue, thence southeast along a line that is parallel to and 1,000 feet from Hooper Avenue to Bay Avenue, thence northwest on Bay Avenue to Bay Lea Road (County route 571), thence west on Bay Lea Road (County route 571) to Old Freehold Road (County route 623), thence north on Old Freehold Road (County route 623) to Intermediate West Way, thence west on Intermediate West Way to Indian Head Road, thence west on Indian Head Road to a point that is a perpendicular distance of 1,200 feet east of US route 9, thence north along a line that is parallel to and 1,200 feet east of US route 9 to a point that is a perpendicular distance of

2,000 feet west of Vermont Avenue at its intersection with the Lakewood Township/Dover Township boundary, thence east along that perpendicular line to the intersection of Vermont Avenue and the Lakewood Township/Dover Township boundary, thence northwest along the municipal boundary to a point that is a perpendicular distance of 1,000 feet northwest of State route 70, thence southwest along a line that is parallel to and 1,000 feet from State route 70 to Dover Pines Avenue, thence south on Dover Pines Avenue to State route 70, thence northeast on State route 70 to Whitesville Road, thence southeast on Whitesville Road to Cox Cro Road, thence southeast on Cox Cro Road to a point that is a perpendicular distance of 750 feet west of US route 9, thence south along a line that is parallel to and 750 feet west of US route 9 to Indian Head Road, thence west on Indian Head Road to Whitesville Road, thence southeast on Whitesville Road to the Garden State Parkway, thence south on the Garden State Parkway to a point that is a perpendicular distance of 600 feet north of State route 37, thence west along a line that is parallel to and 600 feet from State route 37 to Shady Nook Drive, thence south on Shady Nook Drive to a point that is a perpendicular distance of 300 feet north of State route 37, thence west along a line that is parallel to and 300 feet from State route 37 to Cardinal Drive, thence north on Cardinal Drive to Oak Ridge Parkway, thence north on Oak Ridge Parkway to the mean high water line of the Toms River, thence northwest along the mean high water line of the Toms River to the Dover Township/Manchester Township municipal boundary, thence southwest along the municipal boundary to State route 37, thence northwest on State route 37 to a point 2,500 feet west of the municipal boundary, thence southwest along a line perpendicular to State route 37 to the former Central Railroad of New Jersey railroad right of way, and thence southeast along the railroad right of way to the municipal boundary.

E. Eagleswood Township coastal centers

1. Staffordville coastal hamlet

- a. The coastal hamlet boundary extends from the intersection of the Stafford Township/Eagleswood Township boundary and the former Central Railroad of New Jersey right-of-way thence southwest along the railroad right of way a distance of 3,000 feet, thence southeast along a line perpendicular to the railroad right of way to US route 9, thence southeast a perpendicular distance of 500 feet, thence northeast along a line parallel to and 500 feet northwest of US route 9 to Cemetery Road, thence northwest on Cemetery Road to Cedar Lane, thence west on Cedar Lane to the municipal boundary, and thence southeast along the municipal boundary to the former Central Railroad of New Jersey right-of-way.

F. Island Heights coastal town

1. The coastal town boundary extends from the intersection of State route 37 and West End Avenue thence south on West End Avenue to River Avenue, thence south and east on River Avenue to Simpson Avenue, thence north on Simpson Avenue to Ocean Avenue, thence east on Ocean Avenue to Camp Meeting Avenue, thence south and east on Camp Meeting Avenue to Highland Bend, thence north on Highland Bend to Ocean Avenue, thence east on Ocean Avenue to East End Avenue, thence north on East End Avenue to Vansant Avenue, thence east on Vansant Avenue to Bay Avenue, thence north on Bay Avenue to Thomas Avenue, thence west on Thomas Avenue to East End Avenue, thence north on East End Avenue to Lake Avenue, thence west on Lake Avenue to Central Avenue, thence north on Central Avenue to Garden Avenue, thence east on Garden Avenue to the municipal boundary, and thence north along the municipal boundary to State route 37, and thence west on State route 37 to West End Avenue.

G. Lacey coastal town

1. The coastal town boundary extends from a point on the Garden State Parkway that is due west of the intersection of Llewellyn Road and Hastings Drive, thence east to that intersection, thence east on Hastings Drive to Portsmouth Drive, thence north on Portsmouth Drive to Canterbury Drive, thence south on Canterbury Road to Sheffield Drive, thence south, east and north on Sheffield Drive to Clearview Street, thence east on Clearview Street to Olds Street, thence south on Olds Street to Kennebec Road, thence south on Kennebec Road to Taylor Lane, thence east on Taylor Lane to the railroad right of way, thence south along the railroad right of way to Old Shore Road, thence due west to a point that is a perpendicular distance of 4,000 feet west of US route 9 (Main Street), thence south along a line that is parallel to and 4,000 feet west of US route 9 (Main Street) to the mean high water line on the north bank of Oyster Creek, thence east along the mean high water line to a point that is a perpendicular distance of 4,000 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 4,000 feet east of US route 9 (Main Street) to the mean high water line on the south bank of the South Branch of the Forked River, thence west along the mean high water line to a point that is a perpendicular distance of 500 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 500 feet east of US route 9 (Main Street) to the mean high water line on the north bank of the Middle Branch of the Forked River, thence east along the mean high water line to the eastern end of the peninsula, thence northeast across the North Branch of the Forked River to the mean high water line on the north bank of the North Branch of the Forked River, thence east along the mean high water line to the upper wetlands boundary, thence north along the upper wetlands boundary to the south bank of Bridge Creek, thence northwest along the mean high water line to a point that is a perpendicular distance of 500 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 500 feet east of US route 9 (Main Street) to the mean high water line on the south bank of Cedar Creek, thence west along a straight line to a point on the Garden State Parkway that is a perpendicular distance of 6,000 feet north of Lacey Road, and thence south on the Garden State Parkway to a point that is due west of the intersection of Llewellyn Road and Hastings Drive.
- H. Lakehurst coastal town
1. The coastal town boundary extends from the intersection of the Conrail railroad right of way with State route 70, thence east on State route 70 to Brown Avenue, and thence west on Brown Avenue to the Conrail railroad right of way.
- I. Lakewood coastal regional center
1. The coastal regional center boundary extends from the intersection of the Conrail railroad right of way and County Line Road (County route 526), thence east on County Line Road to Brook Road, thence south on Brook Road to Ridge Avenue, thence southwest on Ridge Avenue to Somerset Avenue, thence south on Somerset Avenue to Bergen Avenue, thence west on Bergen Avenue to Linden Avenue, thence south on Linden Avenue to Ocean Avenue (State route 88), thence east on Ocean Avenue (State route 88) to Chambers Bridge Road (County route 549), thence south on Chambers Bridge Road to the Garden State Parkway, thence south on the Garden State Parkway to State route 70, thence west on State route 70 to US route 9, thence north on US route 9 to Cross Street (County route 626), thence northwest on Cross Street to the Conrail railroad right of way, and thence northeast along the Conrail railroad right of way to County Line Road.
- J. Little Egg Harbor and Eagleswood Townships coastal centers
1. West Creek/Parkertown coastal village
 - a. The coastal village boundary extends from a point on Frog Pond Road 1,000 feet west of the intersection of Parkertown Drive and Frog Pond Road, thence southeast along a straight line to the intersection of Railroad Avenue (Prospect Avenue) and Cedar Street, thence east on Cedar Street to US route 9, thence south on US route 9 to Brook Street, thence east on Brook Street to Dock Street, thence northwest on Dock Street to a point that is a perpendicular distance of 1,000 feet east of US route 9, thence northeast along a line that is parallel to and 1,000 feet east of US route 9 to Bay Road (County route 602), thence west on Bay Road (County route 602) to US route 9, thence northeast on US route 9 to a point that is a perpendicular distance of 500 feet north of Silver Lake Drive (Mill Street), thence west along a line that is parallel to and 500 feet north of Silver Lake Drive (Mill Street) to Thomas Avenue, thence southeast on Thomas Avenue to Railroad Avenue (Prospect Avenue), thence southwest on Railroad Avenue (Prospect Avenue) to a point that is 300 feet north of White Oak Lane, thence northwest along a line that is parallel to and 300 feet north of White Oak Lane to a point that is a perpendicular distance of 300 feet northeast of the end of White Oak Lane, thence southwest to a point that is a perpendicular distance of 300 feet southwest of the end of White Oak Lane, thence southeast along a line that is parallel to and 300 feet south of White Oak Lane to Parkertown Drive, thence northwest on Parkertown Drive to the Connecticut electric power transmission line, thence due south to Frog Pond Road, and thence northeast on Frog Pond Road to a point that is 1000 feet west of the intersection of Parkertown Drive and Frog Pond Road.
- K. Ocean Township coastal centers
1. Waretown coastal village
 - a. The coastal village boundary extends from the intersection of US route 9 and Main Street, thence northeast on Main Street to Old Main Shore Road (County route 613), thence north on Old Main Shore Road

- (County route 613) to US route 9, thence west a perpendicular distance of 500 feet, thence south along a line that is parallel to and 500 feet west of US route 9 to a point that is a perpendicular distance of 500 feet north of County route 532, thence west along a line that is parallel to and 500 feet north of County route 532 a distance of 1,500 feet, thence south along a line that is perpendicular to County route 532 to a point that is a perpendicular distance of 500 feet south of County route 532, thence east along a line that is parallel to and 500 feet south of County route 532 to US route 9, and thence south on US route 9 to Main Street.
- L. Ocean Gate coastal village
1. The coastal village boundary follows the Ocean Gate Borough municipal boundary.
- M. Point Pleasant Beach coastal town
1. The coastal town boundary follows the municipal boundary of Point Pleasant Beach Borough, but does not include Gull Island.
- N. Point Pleasant Borough coastal town
1. The coastal town boundary follows the municipal boundary of Point Pleasant Borough.
- O. Stafford Township coastal centers
1. Bonnet Island coastal hamlet
 - a. The coastal hamlet boundary circumscribes Bonnet Island, which lies between Cedar Bonnet Island and the Borough of Ship Bottom.
 2. Mayetta coastal hamlet
 - a. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 700 feet on either side of US route 9 between a point on US route 9 that is 1,000 feet south of the intersection of US route 9 and Lamson Road and a point on US route 9 that is 1,000 feet north of the intersection of US route 9 and Lamson Road.
- P. Tuckerton Borough coastal town
1. The coastal town boundary extends from the intersection of Leitz Boulevard and Center Street, thence northeast on Center Street to Oak Lane, thence southeast on Oak Lane to Great Bay Boulevard, thence due east to South Green Street, thence north on South Green Street to Marshall Avenue, thence east on Marshall Avenue to Marine Street, thence north on Marine Street to Cox Avenue, thence east on Cox Avenue to Cedar Street, thence north on Cedar Street to Kelley Avenue, thence east on Kelley Avenue to Tip Seaman Drive (Pine Avenue), thence north on Tip Seaman Drive (Pine Avenue) to a point 500 hundred feet south of US route 9 (Main Street), thence northeast along a line parallel to and 500 hundred feet south of US route 9 (Main Street) to Admiral Drive, thence northwest on Admiral Drive to US route 9 (Main Street), thence due north to the Tuckerton Borough/Little Egg Harbor municipal boundary, thence west along the municipal boundary to Wood Street, thence north on Wood Street to Teakwood Drive, thence due north to Frog Pond Road, thence west on Frog Pond Road to North Green Street (State route 539), thence north on North Green Street (State route 539) to Access Road, thence west on Access Road to a point that is a perpendicular distance of 1,000 feet west of North Green Street (State route 539), thence south along a line parallel to and 1,000 feet west of North Green Street (State route 539) to Fourth Avenue, thence west on Fourth Avenue to Nugentown Road, thence west on Nugentown Road to Giffordtown Lane, thence south on Giffordtown Lane to Stage Avenue, thence west on Stage Avenue to Otis Bog Road, thence south on Otis Bog Road to US route 9 (Atlantic Boulevard), thence east on US route 9 (Atlantic Boulevard) to Wisteria Lane, thence south on Wisteria Lane to Leitz Boulevard, and thence south on Leitz Boulevard to Center Street.
- VI. Salem County coastal centers
- A. Elsinboro Township coastal centers
1. Oakwood Beach coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of Locust Avenue and Fort Elfsborg-Salem Road (County route 625), thence northeast on Fort Elfsborg-Salem Road (County route 625) to Sinnicksons Landing Road, thence northwest on Sinnicksons Landing Road to Schrier Road, thence west on Schrier Road to Slade Avenue, thence south on Slade Avenue to Country Club Road, thence northwest on Country Club Road to Locust Avenue, and thence southwest and southeast on Locust Avenue to Fort Elfsborg-Salem Road (County route 625).
 2. Sinnicksons Landing coastal hamlet

- a. The coastal hamlet boundary extends from the intersection of Sinnickson's Landing Road and Tilbury Road (County route 661) thence east on Tilbury Road (County route 661) to Friendship Drive, thence north and west on Friendship Drive to Sinnickson's Landing Road, thence southwest on Sinnickson's Landing Road to a point that is west of, and on the same bearing as, Garden Drive, thence east along that bearing to Garden Drive, and thence east on Garden Drive to Tilbury Road.
- B. Lower Alloways Creek Township coastal centers
 1. Canton coastal hamlet
 - a. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 200 feet west of Harmersville-Canton Road (County route 623) between Silver Lake Road and Long Bridge Road.
 2. Hancocks Bridge coastal village
 - a. The coastal village boundary extends from the intersection of Front Street and Locust Island Road (County route 658), thence southeast on Locust Island Road to Alloway Creek Neck Road, thence southwest on Alloway Creek Neck Road to Buttonwood Avenue, thence north on Buttonwood Avenue to Powell Street, thence north on Powell Street to Main Street, thence north on Main Street to Front Street, and thence northeast on Front Street to Locust Island Road (County route 658).
 3. Harmersville coastal hamlet
 - a. The coastal hamlet boundary extends from the intersection of Hancocks Bridgarmersville Road (County route 658) and Harmersvillanton Road (County route 623), thence north on Harmersvillanton Road (County route 623) a distance of 1,500 feet, thence west along a straight line to the intersection of Cuff Road and of Hancocks Bridgarmersville Road (County route 658), thence southwest a perpendicular distance of 200 feet from Hancocks Bridgarmersville Road (County route 658), thence southeast along a line that is parallel to and 200 feet southeast of Hancocks Bridgarmersville Road (County route 658) to a point that is a perpendicular distance of 200 feet west of Harmersvillanton Road (County route 623), thence south a distance of 1,500 feet along a line that is parallel to and 200 feet west of Harmersvillanton Road (County route 623), thence east along a perpendicular line to Harmersvillanton Road (County route 623), and thence north on Harmersvillanton Road (County route 623) to Hancocks Bridgarmersville Road (County route 658).
- C. Mannington coastal hamlet
 1. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 700 feet west of State route 45 between Newell Street and Old Kings Highway (Hillside Avenue).
- D. Quinton coastal village
 1. The coastal village boundary extends from the intersection of State route 49 and the mean high water line on the south bank of Alloways Creek (watercourse), thence south on State route 49 to Sickler Street, thence southwest on Sickler Street to New Street, thence northwest on New Street to its end, thence northwest along the same bearing to the mean high water line on the south bank of Alloways Creek (watercourse), and thence east along the mean high water line to State route 49.

New Rule, R.2000 d.45, effective February 7, 2000.
 See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).
 Administrative change.
 See: 32 N.J.R. 1803(b).

APPENDIX 3

BOUNDARIES OF COASTAL CENTERS IN THE CAFRA AREA LOCATED ON BARRIER ISLANDS, OCEANFRONT SPITS, OR PENINSULAS

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of coastal centers in the CAFRA area on barrier islands, oceanfront spits, or peninsulas. The boundaries of all other coastal centers are set forth in Appendix 2.

In accordance with N.J.A.C. 7:7E-5.3(c), the impervious cover allowed on a site within a Department-delineated coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7E-5.3(d). The placement of impervious cover on a site in a coastal center may be further restricted by other provisions of this chapter, including the Special Area rules at N.J.A.C. 7:7E-3.

The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the coastal centers are listed alphabetically.

- I. Atlantic County coastal centers on barrier islands, spits, and peninsulas
 - A. Brigantine coastal town
 1. The coastal town boundary follows the municipal boundary of the City of Brigantine, but does not include any bay islands or the Absecon Wildlife Management Area.
- II. Cape May County coastal centers on barrier islands, spits and peninsulas
 - A. Lower Township coastal centers
 1. Diamond Beach coastal town
 - a. The coastal town boundary extends from the intersection of the Wildwood Crest/Lower Township municipal boundary and Park Boulevard thence southwest on Park Boulevard to North Station Avenue, thence southeast on North Station Avenue to Ocean Drive (County route 621), thence southwest on Ocean Drive (County route 621) to Madison Avenue, thence southeast on Madison Avenue to its end, thence southeast on the same bearing to the water's edge, thence northeast along the water's edge to the municipal boundary, and thence northwest along the municipal boundary to Park Boulevard.
 - B. Ocean City coastal regional center
 1. The coastal regional center boundary follows the municipal boundary of Ocean City, but does not include any bay islands or Corson's Inlet State Park.
 - C. Sea Isle City coastal town
 1. The coastal town boundary follows the municipal boundary of Sea Isle City, but does not include the area north of a line that extends along 22nd Street and along the same bearing from either end of 22nd Street to the mean high water line.
- III. Monmouth County coastal centers on barrier islands, spits and peninsulas
 - A. Monmouth Beach coastal town
 1. The coastal town boundary follows the municipal boundary of the Borough of Monmouth Beach, but does not include any bay islands.
 - B. Sea Bright coastal town
 1. The coastal town boundary follows the municipal boundary of the Borough of Sea Bright, but does not include any bay islands.
- IV. Ocean County coastal centers on barrier islands, spits and peninsulas
 - A. Barnegat Light coastal village
 1. The coastal village boundary follows the municipal boundary of Barnegat Light Borough, but does not include any bay islands or Barnegat Light State Park.
 - B. Bay Head coastal town
 1. The coastal town boundary follows the municipal boundary of Bay Head Borough.
 - C. Beach Haven Borough coastal town
 1. The coastal town boundary follows the municipal boundary of Beach Haven Borough, but does not include any bay islands.
 - D. Berkeley Township coastal town
 1. The coastal town boundary circumscribes that part of Berkeley Township that is east of Barnegat Bay, north of Island Beach State Park and south of Seaside Park Borough.
 - E. Brick Township coastal centers
 1. South Mantoloking coastal village
 - a. The coastal village boundary circumscribes that part of Brick Township that is east of Barnegat Bay, north of Dover Township, and south of Mantoloking Borough, but does not include any bay islands.
 - F. Dover Township coastal centers
 1. Normandy Beach/Chadwick coastal town
 - a. The coastal town boundary circumscribes that part of Dover Township that is east of Barnegat Bay, north of Lavallette Borough and south of Brick Township, but does not include any bay islands.
 2. Ortley Beach coastal town
 - a. The coastal town boundary circumscribes that part of Dover Township that is east of Barnegat Bay, north of Seaside Heights Borough, and south of Lavallette Borough, but does not include any bay islands.
 - G. Harvey Cedars coastal town
 1. The coastal town boundary follows the municipal boundary of Harvey Cedars Borough, but does not include any bay islands.
 - H. Lavallette coastal town
 1. The coastal town boundary follows the municipal boundary of Lavallette Borough, but does not include any bay islands.
 - I. Long Beach coastal town
 1. The coastal town boundary circumscribes those non-contiguous parts of Long Beach Township that are east of Barnegat Bay, but does not include any bay islands or the Holgate Unit of the Edwin B. Forsythe National Wildlife Refuge.
 - J. Mantoloking coastal village
 1. The coastal town boundary follows the municipal boundary of Mantoloking Borough, but does not include any bay islands.
 - K. Seaside Heights coastal town

1. The coastal town boundary follows the municipal boundary of Seaside Heights Borough, but does not include any bay islands.
- L. Seaside Park coastal town
1. The coastal town boundary follows the municipal boundary of Seaside Park Borough, but does not include any bay islands.
- M. Ship Bottom coastal town
1. The coastal town boundary follows the municipal boundary of Ship Bottom Borough, but does not include any bay islands.

N. Surf City coastal village

1. The coastal village boundary follows the municipal boundary of Surf City, but does not include any bay islands.

New Rule, R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Administrative change.

See: 32 N.J.R. 1803(b).