

CHAPTER 7A
FRESHWATER WETLANDS
PROTECTION ACT RULES

Authority

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

Source and Effective Date

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

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 7A, Freshwater Wetlands Protection Act Rules, expires on September 4, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

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

Chapter 7A, Wetlands Management, was repealed by R.1984 d.164, effective May 7, 1984 (operative June 1, 1984).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

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

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

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

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

Subchapter 4, General Standards for Granting an Open Water Fill Permit, was repealed by R.1992 d.117, effective March 16, 1992.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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subchapter 11, Fees, was repealed and Subchapter 11, Application Fees, was adopted as new rules by R.2015 d.023, effective February 2, 2015. See: 46 N.J.R. 1839(a), 47 N.J.R. 422(a).

Law Review and Journal Commentaries

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

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