

**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 March 31, 2001 to March 31, 2002. See: 33 N.J.R. 1370(a).

**Chapter Historical Note**

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

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

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1995 d.405, effective June 23, 1995. See: Source and Effective Date. See, also, section annotations.

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

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

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

The Executive Order No. 66 (1978) expiration date for Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from June 23, 2000 to March 31, 2001. See: 32 N.J.R. 2591(c).

**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).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. INTRODUCTION**

- 7:7E-1.1 Purpose
- 7:7E-1.2 Jurisdiction
- 7:7E-1.3 Severability
- 7:7E-1.4 Review, revision, and expiration
- 7:7E-1.5 Coastal decision-making process
- 7:7E-1.6 Mitigation
- 7:7E-1.7 Correspondence with the Department

**SUBCHAPTER 2. LOCATION, USE AND RESOURCE RULES**

- 7:7E-2.1 Introduction
- 7:7E-2.2 Classification of land and water types
- 7:7E-2.3 (Reserved)

**SUBCHAPTER 3. SPECIAL AREAS**

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

**SUBCHAPTER 3A. STANDARDS FOR BEACH AND DUNE ACTIVITIES**

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

**SUBCHAPTER 3B. INFORMATION REQUIRED IN WETLAND MITIGATION PROPOSALS**

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

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

- 7:7E-3C.1 Performance standards
- 7:7E-3C.2 Reporting standards

**SUBCHAPTER 4. GENERAL WATER AREAS**

- 7:7E-4.1 Definition
- 7:7E-4.2 Acceptability conditions for uses
- 7:7E-4.3 through 7:7E-4.10 (Reserved)

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

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

**SUBCHAPTER 5A. IMPERVIOUS COVER LIMITS AND VEGETATIVE COVER PERCENTAGES IN THE UPLAND WATERFRONT DEVELOPMENT AREA**

- 7:7E-5A.1 Purpose and scope
- 7:7E-5A.2 Upland waterfront development area regions and growth ratings
- 7:7E-5A.3 Environmental sensitivity
- 7:7E-5A.4 Development potential
- 7:7E-5A.5 Development potential for a residential or minor commercial development site
- 7:7E-5A.6 Development potential for a major commercial or industrial development site
- 7:7E-5A.7 Development potential for a campground development site
- 7:7E-5A.8 Development intensity
- 7:7E-5A.9 Impervious cover limits for a site in the upland waterfront development area
- 7:7E-5A.10 Vegetative cover percentages for a site in the upland waterfront development area

**SUBCHAPTER 5B. IMPERVIOUS COVER LIMITS AND VEGETATIVE COVER PERCENTAGES IN THE CAFRA AREA**

- 7:7E-5B.1 Purpose and scope
- 7:7E-5B.2 Coastal Planning Areas
- 7:7E-5B.3 Boundaries for Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes; Coastal centers
- 7:7E-5B.4 Impervious cover limits for a site in the CAFRA area
- 7:7E-5B.5 Vegetative cover percentages for a site in the CAFRA area

**SUBCHAPTER 6. GENERAL LOCATION RULES**

- 7:7E-6.1 Rule on location of linear development
- 7:7E-6.2 Basic location rule
- 7:7E-6.3 Secondary impacts

**SUBCHAPTER 7. USE RULES**

- 7:7E-7.1 Purpose

- 7:7E-7.2 Housing use rules
- 7:7E-7.3 Resort/recreational use
- 7:7E-7.3A Marina Development
- 7:7E-7.4 Energy Use rule
- 7:7E-7.5 Transportation use rule
- 7:7E-7.6 Public Facility Use rule
- 7:7E-7.7 Industry Use rule
- 7:7E-7.8 Mining Use rule
- 7:7E-7.9 Port Use rule
- 7:7E-7.10 Commercial facility use rule
- 7:7E-7.11 Coastal Engineering
- 7:7E-7.12 Dredged Material Disposal on Land
- 7:7E-7.13 National Defense Facilities Use rule
- 7:7E-7.14 High-rise structures

**SUBCHAPTER 8. RESOURCE RULES**

- 7:7E-8.1 Purpose
- 7:7E-8.2 Marine Fish and Fisheries
- 7:7E-8.3 (Reserved)
- 7:7E-8.4 Water Quality
- 7:7E-8.5 Surface Water Use
- 7:7E-8.6 Groundwater Use
- 7:7E-8.7 Stormwater management
- 7:7E-8.8 Vegetation
- 7:7E-8.9 (Reserved)
- 7:7E-8.10 Air Quality
- 7:7E-8.11 Public access to the waterfront
- 7:7E-8.12 Scenic Resources and Design
- 7:7E-8.13 Buffers and Compatibility of Uses
- 7:7E-8.14 Traffic
- 7:7E-8.15 through 7:7E-8.20 (Reserved)
- 7:7E-8.21 Subsurface sewage disposal systems

**APPENDIX 1. DESIGN STANDARDS AND SPECIFICATIONS**

**APPENDIX 2. BOUNDARIES OF COASTAL CENTERS IN THE CAFRA AREA NOT LOCATED ON BARRIER ISLANDS, OCEANFRONT SPITS, OR PENINSULAS**

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

**APPENDIX 4. CAFRA CENTERS**

**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.