

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

Chapter 7E, Coastal Zone Management, expires on June 23, 2000.

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).

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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.

(b) In 1977, the Commissioner of the Department of Environmental Protection submitted to the Governor and Legislature the Coastal Management Strategy for New Jersey-CAFRA Area (September 1977), prepared by the Department as required by CAFRA, N.J.S.A. 13:19-16, and submitted for public scrutiny in late 1977. The Department revised the Coastal Management Strategy for public review as the New Jersey Coastal Management Program—Bay and Ocean Shore Segment and Final Environmental Impact Statement (EIS) for Federal approval, which was received in September 1978. In August 1978 the Governor submitted the revised New Jersey Coastal Management Program—Bay and Ocean Shore Segment and Final EIS for Federal approval, which was received in September 1978. In May 1980, the Department submitted further revisions, published as the Proposed New Jersey Coastal Management Program and Draft Environmental Impact Statement for Federal approval, which was received in September 1980. The Rules on Coastal Zone Management (Rules) constitute the substantive core of the program. The Rules were amended on June 4, 1981, January 12, 1982, April 19, 1982, February 7, 1983, February 3, 1986, August 15, 1988, May 15, 1989, August 20, 1990, April 5, 1993, November 15, 1993 and July 18, 1994.

(c) By revising and readopting these policies as administrative rules, according to the Administrative Procedure Act, the Department aims to increase the predictability of the Department's coastal decision-making by limiting administrative discretion, as well as to ensure the enforceability of the Rules on Coastal Zone Management of the coastal management program of the State of New Jersey prepared under the Federal Coastal Zone Management Act. Further, the Department interprets the "public health, safety and welfare" clause in CAFRA (N.J.S.A. 13:19-10f) and the Wetlands Act of 1970 (N.J.S.A. 13:19A-4d) to include a full consideration of the national interests in the wise use of coastal resources.