

FRESHWATER WETLANDS PROTECT. ACT RULES**CHAPTER 7A****FRESHWATER WETLANDS PROTECTION
ACT RULES****Authority**

N.J.S.A. 13:1B-3, 58:10A-1 et seq., specifically 58:10A-4, 58:10A-6 and 13:9B-1 et seq., (P.L. 1987 c.156), specifically 13:9B-25 (section 25 of P.L. 1987 c.156).

Source and Effective Date

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).

Executive Order No. 66(1978) Expiration Date

Chapter 7A, Freshwater Wetlands Protection Act Rules, expires on March 16, 1997.

Chapter Historical Note

Formerly, this chapter contained rules on Wetlands Management, which were adopted pursuant to N.J.S.A. 13:9A-1 et seq. and were filed and became effective on April 3, 1972 as R.1972 d.68. See: 255(a).

On May 7, 1984, Chapter 7A was repealed by R.1984 d.164. Rules concerning wetlands management are now part of the consolidated Coastal Permit Program Rules at N.J.A.C. 7:7. The wetlands maps previously listed at N.J.A.C. 7:7A-1.13 are currently codified under N.J.A.C. 7:7-2.2 See: 15 N.J.R. 2090(a), 16 N.J.R. 1073(a).

1988 Revisions: Chapter 7A, Freshwater Wetlands Protection Act Rules, became effective July 1, 1988 (operative July 1, 1988) as R.1988 d.267. See: 19 N.J.R. 2330(a), 20 N.J.R. 1235(a). Subchapters 16 and 17 became effective July 5, 1988 as R.1988 d.312. See: 20 N.J.R. 576(a), 20 N.J.R. 1553(a).

Petition for Rulemaking: Amend 7:7A-2 concerning freshwater wetlands permit exemptions.

See: 21 N.J.R. 2675(b).

Notice of Amendment: Clarifying language added to Water Quality Management Plans regarding the implementation of unavoidable determinations.

See: 22 N.J.R. 253(a).

Notice of Action on Petition.

See: 22 N.J.R. 1388(a).

The Executive Order No. 66(1978) expiration date for Chapter 7A was extended by gubernatorial waiver from June 6, 1993 to March 16, 1997.

See: 24 N.J.R. 912(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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SUBCHAPTER 1. GENERAL INFORMATION

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This chapter constitutes the rules governing the implementation of the Freshwater Wetlands Protection Act, P.L. 1987, c.156. The provisions of any State law, rule or regulation to the contrary notwithstanding, the alteration or disturbance in and around freshwater wetland areas in the State, and the discharge of dredged or fill material into State open waters are subject to this chapter and the Act.

Case Notes

The Commissioner has no power under CAFRA to make an independent judgment as to the ability of a nuclear facility to protect against radiation hazards, as regulation in this regard is preempted by the federal government. Public Interest Research Group of New Jersey, Inc. v. State, 152 N.J.Super. 191, 377 A.2d 915 (App.Div.1977), certification denied 75 N.J. 538, 384 A.2d 517 (1977).