

**Table A**  
**Routine Program Change**  
**Coastal Zone Management rules, N.J.A.C. 7:7E-3.38, 3C.2, 7.4, 7.14 and 8.12**

Legal Citation	Description of change	Enforcement Mechanism	Date adopted by State	Date Effective in State	Significance of Change
<b>SUBCHAPTER 3. SPECIAL AREA RULES</b>					
7:7E-3.38 Endangered or threatened wildlife or vegetation species habitats	<p><b>MODIFIED 3.38(a):</b>            Modified the definition of this special area to make it clear that habitat includes:</p> <ul style="list-style-type: none"> <li>• both terrestrial and aquatic habitats; and</li> <li>• those areas that serve an essential role as corridors for movement.</li> </ul>	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program			<p>Endangered and threatened species include wildlife that are facing possible extinction in the State in the immediate future due to loss of suitable habitat, past overexploitation through human activities or natural causes. The Endangered or threatened wildlife or plant species habitats rule contains a definition of endangered or threatened wildlife or plant species habitats as well as standards to protect these species and their habitats. This special area is defined as “areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife or plant identified as “endangered” or “threatened” species on official Federal or State lists of endangered or threatened species, or under active consideration for listing. This definition has been modified to explicitly state that endangered and threatened species habitat includes both terrestrial and aquatic (marine, estuarine or freshwater) habitats. The definition has also been modified to make it clear that those areas that serve an essential role as corridors for movement of endangered or threatened wildlife are endangered and threatened species habitat, since they are critical in the life cycle of wildlife. This would include, for example, seasonal migratory routes and daily routes between foraging and roosting or nesting habitats. For example colonial waterbirds, such as yellow-crowned night-herons and least terns, nest within large colonies that are typically separated from the foraging habitat that the birds in the colony use. The movement corridors between the foraging areas and the nesting colony are part of the essential habitat for these birds. Similarly, raptors often follow shorelines in their annual spring and fall migration between breeding and wintering areas. These migratory paths are part of the essential habitat for migrating raptors.</p> <p>The Department does not consider these clarifications to be a substantial change to special management areas, uses subject to</p>

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7:7E-3.38(continued)					management, authorities and organization or consideration of the national interest. Both Federal and State lists of endangered or threatened species include both terrestrial and aquatic species and movement corridors are critical components of endangered species habitat. Further, this clarification continues to support the national interest in Endangered Flora and Fauna identified by the NJCMP's program document (1980) by providing a means whereby the ecosystems upon which the endangered or threatened species depend are conserved.
7:7E-3.49 Atlantic City	<b>MODIFIED 3.49(c)5:</b> Modified provision pertaining to development on five ocean piers to allow construction of wind turbines not exceeding 200 feet in height.	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program			Atlantic City has been identified as a special area under the CZM rules due to its designation as a location for casino gaming in a referendum approved in 1976. Since the inception of casino gaming, Atlantic City has been extensively redeveloped, including the construction of high rise hotel-casinos along the oceanfront and redevelopment of the former amusement piers. The existing special area rule allows the redevelopment of five existing ocean piers provided specified conditions are met. The rule limits the height of structures on the piers to 100 feet, with the exception of decorative architectural elements and amusement rides, which cannot exceed 200 feet in height. Given the height of the buildings and other structures allowed in Atlantic City, the provisions relating to development on the 5 ocean piers has been modified to include wind turbines up to 200 feet in height. This modification is not anticipated to result in increased impacts to wildlife since the rule currently allows structures up to 200 feet in height and buildings greater than 300 feet tall line the shoreline immediately adjacent to the piers. All other applicable CZM rules would continue to apply to such wind turbines. Therefore, the Department does not consider the allowance of wind turbines on the 5 ocean piers to be a substantial change to special management areas, uses subject to management, authorities and organization or consideration of the national interest.

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<b>SUBCHAPTER 3C. STANDARDS FOR CONDUCTING AND REPORTING THE RESULTS OF AN ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITAT IMPACT ASSESSMENT AND/OR ENDANGERED OR THREATENED WILDLIFE SPECIES HABITAT EVALUATION</b>					
7:7E-3C.2 Standards for conducting Endangered or threatened wildlife or plant species habitat impact assessments	<b>MODIFIED 3C.2(c):</b> Added substrate, bathymetry, salinity and wildlife movement corridors to the list of components to be addressed in impact assessments	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program			This rule contains the standards for conducting Endangered or threatened wildlife or plant species habitat impact assessments. This assessment is required to demonstrate that a proposed development would not directly or through secondary impacts on the relevant site or surrounding area, adversely affect endangered or threatened wildlife or plant species habitat. The rule provides that the assessment shall be based on the manner in which the proposed development may alter habitat, and lists a number of habitat components that must be considered in that analysis. Although this list is not all-inclusive, the Department has added substrate, bathymetry, salinity and wildlife movement corridors to the list of components to be addressed in recognition that endangered and threatened wildlife and plant species habitat includes aquatic habitat and movement corridors as discussed at N.J.A.C. 7:7E-3.38 above. This is not a substantial change to special management areas, uses subject to management, authorities and organization or consideration of the national interest.
<b>SUBCHAPTER 7. USE RULES</b>					
7:7E-7.4 (b) Energy facility use Standards for relevant to siting of new energy facilities	<b>MODIFIED 7.4 (b):</b> <ul style="list-style-type: none"> <li>• Reduced the 500 foot setback requirement for wind and solar energy facilities;</li> <li>• Added provisions for construction of wind energy facilities on ocean piers in Atlantic City; and of limited scope in the State's ocean waters</li> </ul>	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program			The Energy facility use rule contains standards specific to various energy uses. Paragraph (b) of the rule contains standards relevant to siting of any new energy facilities, whereas N.J.A.C. 7:7E-7.4(d) through (s) contain standards specific to particular types of energy use. The rule requires that new energy facilities that are not water dependent be located at least 500 feet inland from the mean high water line of tidal waters within the CAFRA area and five upland waterfront development regions (Western Ocean, Southern, Mullica Southern Ocean, Great Egg Harbor River and Delaware Estuary Regions, (See <i>Section IV Upland Waterfront Development Area</i> description). It should be noted that the 500 foot setback does not apply to new energy facilities located outside of the CAFRA area and in tidal waters of the Urban, Northern Waterfront and Delaware River regions areas (See <i>Section IV Upland Waterfront Development Area</i> description). The CZM rules define water dependent developments as those "that cannot physically function without direct access to the body

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7:7E-7.4(b) (continued)					<p>of water along which it is proposed. Uses, or portions of uses, that can function on sites not adjacent to water are not considered water dependent regardless of the economic advantages that may be gained from a waterfront location.” Although wind turbines benefit from the typically better wind resource found above water areas, this association does not make them water dependent. They stand to gain an economic benefit from being placed in that location, but they are not dependent on the water in the same manner as a shipyard or port or a wave generator. Therefore, wind and solar energy facilities are subject to the 500 foot setback requirement when located in the CAFRA area and the five waterfront development regions listed above. However, to facilitate siting of these renewable energy facilities while providing an adequate setback for wildlife use of tidal waters, the Department has modified this requirement to reduce the setback requirement for wind and solar energy facilities from 500 to 50 feet. The setback requirement does not apply to tidal mosquito ditches as they are man-made and construction adjacent to them does not pose as great a risk to wildlife as natural waterways.</p> <p>The Atlantic City rule allows the redevelopment of five ocean piers provided specified conditions are met, as discussed above. The setback provision of the Energy use rule has been amended accordingly. This modification is not anticipated to result in increased impacts to wildlife since the rule currently allows structures up to 200 feet in height and buildings greater than 300 feet tall line the shoreline immediately adjacent to the piers.</p> <p>The siting standards have also been modified to allow the construction of a wind energy facility that is limited in scope in the ocean waters of New Jersey. Specifically, this provision would allow the construction of a maximum of 5 wind turbines, with each turbine’s power rating as determined by the manufacturer not to exceed 5 megawatts, or a maximum of 6 wind turbines, with each turbine’s power rating as determined by the manufacturer not to exceed 4 megawatts. This provision requires that the turbines be located within the State’s ocean</p>

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7:7E-7.4 (b)(continued)					<p>waters between Seaside Park and Stone Harbor and at least 2.5 nautical miles offshore. From January 2008 through December 2009, the Department conducted an Ecological Baseline Study to begin to address the distribution and abundance if species offshore and the potential ecological impacts of offshore wind turbines (See Section III-Potential Effects of Wind Turbines on Birds, Bats and Marine Mammals).</p> <p>The Department believes that a small-scale demonstration project within the study area in State waters will be useful in assessing the impacts of large scale wind turbines located offshore of New Jersey. The impact assessment can be used in conjunction with the predictive modeling developed as part of the baseline study to assist the Department in siting potential wind energy facilities in New Jersey's offshore waters. Because the impacts of the construction of large scale wind turbines in offshore waters are not well understood, the Department is limiting the number of wind turbines allowed in New Jersey's offshore ocean waters. While the Department is limiting the number of wind turbines in State waters, there is no such limitation on the construction of wind turbines in tidal waters of the Urban area, Northern Waterfront and Delaware River regions or in Federal waters.</p> <p>The Department does not consider the modification of the setback requirement for new solar and wind energy facilities to be substantial changes to special management areas, uses subject to management, authorities and organization and national interest. Solar and wind energy facilities do not have the same mass and impact as other energy facilities addressed by the Energy facility use rule. The modification of the setback requirement will facilitate the construction of these renewable energy facilities consistent with the national and State energy policies while providing and adequate buffer for wildlife use of tidal waters.</p>

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7:7E-7.4(r) Energy facility use Standards relevant to electric generating stations	<p><b>MODIFIED 7.4(r)1:</b> 7:7E-7.4(r)1v separated standards applicable to cogeneration facilities and facilities that use renewable forms of energy</p>				<p>N.J.A.C. 7:7E-7.4(r) contains the standards relevant to electric generating stations. N.J.A.C. 7:7E-7.4(r)1v specifies standards applicable to cogeneration facilities and facilities that use renewable forms of energy. The Department has separated the standards for these two types of facilities into two separate subparagraphs. The standard for cogeneration of electricity and process steam remains N.J.A.C. 7:7E-7.4(r)1v with no changes in substance. The standard for renewable facilities has been recodified as N.J.A.C. 7:7E-7.4(r)1vi with additional standards applicable to wind energy facilities at N.J.A.C. 7:7E-7.4(r)1vii and viii.. The separation and recodification of these standards is not a substantial change to the 5 program approvability areas, but is included for notification purposes.</p>
	<p><b>ADDED:</b> 7:7E-7.4(r)1vii and viii which set forth the standards for wind energy facilities on land and in water, respectively. For wind energy facilities located on land only, wind turbines 200 feet in height or taller or having a cumulative rotor swept area of 4,000 square feet on a site shall be sited so that no portion of the blades, towers and site disturbance are located in the areas identified on the Department's Large Scale Wind Turbine Siting Map</p>				<p>The coastal land and waters of New Jersey are diverse. The CZM rules address a wide range of land and water uses, and natural and cultural, social and economic resources in the coastal zone. In addition to complying with the specific use rule, proposed wind energy facilities must comply with all other applicable CZM rules, including special area and resource rules. Special areas are areas that are so naturally valuable, important for human use, hazardous or sensitive to impact or particular in their planning requirements, as to merit focused attention and special management rules. The resource rules are used to analyze the proposed development in terms of its effects on various resources of the built and natural environment of the coastal zone, both at the proposed site as well as the surrounding region. Compliance with the standards of these rules will ensure that affects of wind turbines on resources such as wild and scenic river corridors, marine mammals and fisheries are addressed.</p> <p><i>As described in Section III Potential Effects of Wind Turbines on Birds, Bats and Marine Organisms in New Jersey's Coastal Zone , as the height and size of wind turbines increase, so does the potential for adverse impacts to both birds and bats due to the operation of wind</i></p>

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7:7E-7.4(r) (continued)	<p>Requires wind turbines located on land and in water:</p> <ul style="list-style-type: none"> <li>• Have no lights placed on or directed at the wind turbines except for lighting required by the FAA or Coast Guard. Shielded ground level security lighting may be utilized;</li> <li>• Use a freestanding monopole tower if the wind turbine is more than 120 feet tall. Guy wires or lattice towers are prohibited for wind turbines greater than 120 feet in height;</li> <li>• Perform pre-and/or post construction monitoring (note: pre-construction monitoring is required for land based turbines the equivalent of which is a habitat evaluation and impact assessment for turbines located in water); and</li> <li>• Curtail operations as directed by the Department during peak spring and fall migration periods when migrating birds and bats would likely be flying at the height of the rotor swept area. Curtailment shall not</li> </ul>				<p>turbines. In addition, when located in water, wind turbines may also affect marine organisms. In order to minimize adverse effects of wind turbines on birds and bats, standards specific to the construction of wind energy facilities on land and in the water have been added.</p> <p>As described in <i>Section III- Large Scale Wind Turbine Siting Map section</i> of this submission, in order to minimize adverse effects to birds, the Department has prepared a map that identifies specific areas on land, where, based on current wildlife data, wind turbines 200 feet in height or taller, or having a cumulative rotor swept area greater than 4,000 square feet on a site, would pose a great risk to birds and bats during operation. The standards for the construction of wind turbines on land provide that no portion of any wind turbine 200 feet in height or taller, or having a cumulative rotor swept area greater than 4,000 square feet on a site, can be located in the areas identified on the map. Wind turbines located in areas outside those identified by the Department on the Large Scale Wind Turbine Siting Map may pose the same operational risk to birds and bats as those identified on the map. In these areas, a determination of the acceptability of wind turbines requires a case-by-case review of site specific information that would be submitted as part of the permit application and a case-by-case review such as the review afforded by the Endangered and threatened wildlife and plant species habitat and Critical wildlife habitat rules at N.J.A.C. 7:7E-3.38 and 3.39, respectively. The map will add predictability in the permitting process. Areas identified on the Map are those areas where the Department currently has wildlife data to make the determination that a wind turbine (or turbines) 200 feet in height or taller, or with a rotor swept area of greater than 4,000 square feet on a site would pose a significant risk to</p>

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7:7E-7.4(r) (continued)	exceed 360 hours in a calendar year per turbine that occurs within the normal range of operation				<p>birds and bats and would not comply with the existing CZM rules. Mapping these areas makes it clear to potential wind developers prior to applying for a permit that large scale wind turbines in the mapped areas are unacceptable. Because the map is a visual representation of the Department's current wildlife data, and areas where endangered and threatened wildlife habitat and critical wildlife habitat rules would already result in denial, the Department does not consider the map a substantial change to special management areas, uses subject to management, authorities and organization or consideration of the national interest.</p> <p>In order to minimize impacts to birds and bats, standards addressing the lighting of wind turbines and wind turbine tower construction are included in the rule. Birds are affected by lighting on tall structures, particularly steady burning red solid state lights. In order to minimize adverse impacts on birds, the standards for wind turbines on land and in the water, restrict lighting of wind turbines. These standards provide that no lighting shall be placed on or directed at the wind turbines other than shielded security lighting and lighting needed to comply with Federal Aviation Administration or United States Coast Guard requirements. Light is shielded when it is covered in a way that light rays are not emitted above the horizontal plane of the light. On land, lighting could be directed at turbines from lights placed on the ground or other structures. Therefore, the rule also stipulates that no lighting be directed at the wind turbines.</p> <p>Lattice towers and guy wires are associated with a higher mortality of birds as they provide perching or roosting opportunities for birds which may then fly into the blades or wires. Therefore the rule prohibits the use of lattice towers and guy wires for wind turbines located on land that are over 120 feet in height and requires the use of a freestanding monopole. Due to the differences in construction techniques for wind</p>



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7:7E-7.4(r) (continued)					<p>turbines located on land and in the water, the rule allows flexibility in the tower design when located in the water provided such design does not provide perching or roosting opportunities for birds. The Department does not consider the standards addressing lighting and wind turbine tower construction to be substantial changes to uses subject to management, special management areas, authorities and organization or consideration of the national interest because under the CZM rules the Department has the ability to require mitigation to compensate for the impacts to wildlife species or their habitat.</p> <p>As described in <i>Section III Potential Effects of Wind Turbines on Birds, Bats and Marine Mammals in New Jersey's Coastal Zone</i>, wind turbines have the potential to impact birds and bats, and when located in tidal waters may also impact marine organisms such as marine mammals and sea turtles. To assess these impacts the Department has developed habitat evaluation, impact assessment, and pre- and post-construction monitoring requirements specific to the location of the wind turbine, on land or in tidal waters.</p> <p>For wind turbines located on land the rule requires pre and/or post-construction monitoring to establish the flight patterns and distribution of avian species and bats and impacts of the operation of these facilities on these species. Information shall be gathered on species composition, abundance, distribution, behavior and flight pattern heights, as well as collisions associated with wind turbine construction and/or operation. Pre and/or post construction monitoring is dependent upon the scope of the facility including the number, height and rotor swept area of the turbines. For example, all wind turbines 250 feet in height or taller will be required to conduct pre-construction monitoring, which may include visual, radar and acoustic surveys.</p> <p>For wind facilities located in water, the rule requires a habitat</p>

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7:7E-7.4(r) (continued)					<p>evaluation, impact assessment and post-construction monitoring to establish the abundance, distribution, and behavior of avian species, bats, and marine organisms and assess the impacts of the construction and/or operation of these facilities on these species. There is limited information on the abundance, distribution and behavior of these species offshore New Jersey. Although the Department has gathered data regarding the abundance and distribution of birds, bats, marine mammals and sea turtles through its Ecological Baseline studies, they are at a broad rather than site specific scale. Moreover, as described in <i>Section III Potential Effects of Wind Turbines Birds, Bats and Marine Organisms in New Jersey's Coastal Zone</i> there is limited information regarding impacts to avian species, bats and marine organisms from offshore wind turbines due to the limited number of installations worldwide and due to the fact that those that have been constructed are in different environments where different species are present. Therefore, the applicant will be required to gather information on species composition, abundance, distribution, behavior and, for avian species and bats, flight pattern heights, as well as collisions and behavioral changes associated with wind turbine construction and/or operation in order to determine the acceptability of wind turbines at a specific location in tidal waters. Requirements will be coordinated with the United States Fish and Wildlife Service, National Marine Fisheries Service, and if in federal waters, the Minerals Management Service, all of which have authority and expertise in these areas.</p> <p>Post-construction monitoring is necessary to determine if constructed wind turbines are having significant adverse affects. Monitoring technologies are changing rapidly and some typical accepted monitoring techniques, such as carcass searches, would not be practical in the water. The Department will continue to evaluate emerging technologies, working with the United States Fish and Wildlife Service, Minerals Management Service and other federal agencies, to determine appropriate post-construction monitoring protocols. In addition, the Department will use information gained through the Ecological Baseline studies to refine protocols.</p>

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7:7E-7.4(r) (continued)					<p>As described previously an adaptive management measure the Department will be utilizing to address the operational impacts of wind turbines on birds and bats is curtailment of wind turbine operations. Curtailment is intended to reduce impacts of the operation of wind turbines on birds and bats during peak migration periods. Curtailment will be imposed on specific wind turbine developments based on evolving science including scientific literature and monitoring results in the State and elsewhere. Curtailment shall not exceed 360 hours in a calendar year per turbine within the normal range of operation of the turbine. The Department adopted this provision due to the limited information on the effects of wind turbines, particularly in highly sensitive coastal areas on birds and bats. The provision is necessary in the event that monitoring results show unanticipated mortality as it will provide a means to minimize such mortality.</p> <p>The Threatened and endangered wildlife and plant species and Critical wildlife habitat rules prohibit development in these special areas unless it can be demonstrated that these habitats would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected. Currently, the CZM rules provide a means for applicants to demonstrate that a proposed development would not negatively affect population(s) or habitat of endangered wildlife or plant species. While there are no specific standards for addressing impacts on critical wildlife habitats, the critical wildlife habitat rule provides that development is discouraged unless minimal feasible interference with the habitat can be demonstrated; there are no prudent or feasible alternative locations for the development; and mitigation is provided. The Department will evaluate the impacts of wind turbines; determine the extent to which operations are causing direct mortality to birds, bats and the effects of construction and operation on marine organisms through habitat evaluations, impacts assessments and pre-and/or post construction monitoring. This data will be used by the Department to inform curtailment requirements, an adaptive management measure, and inform future policies for the siting and operating of wind turbines in the coastal region in or to minimize effects on wildlife or the coastal region.</p>

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7:7E-7.4(r) (continued)					Based on the above, the Department does not consider the above changes to be substantial changes to special management areas, uses subject to management, authorities and organization or consideration of the national interest
	<b>ADDED:</b> N.J.A.C. 7:7E-7.4(r)3 describing process to update the Department's Large Scale Wind Turbine Siting Map				This paragraph contains provisions addressing the revision of the Large Scale Wind Turbine Siting Map. The Department may determine that revisions to the map are needed in order to minimize adverse effects on birds and bats. Map revisions may be required based on new information on species occurrence or new information on appropriate buffers. In addition, as monitoring is conducted in New Jersey and elsewhere, new information on impacts may become available that lead to a need to change the map. The addition of a provision to change the Department's Large Scale Wind Turbine Siting Map is not a substantial change to special management areas, uses subject to management, authorities and organization or consideration of the national interest. As stated previously, because the map is a visual representation of the Department's current wildlife data, the Department does not consider inclusion of the map into New Jersey's approved Coastal Management Program a substantial change
	<b>MODIFIED:</b> N.J.A.C. 7:7E-7.4(r)3 rule rationale, as been recodified as 7.4(r)4 with no changes in text.				N.J.A.C. 7:7E-7.4(r)3, which contains the rule rationale has been recodified as N.J.A.C. 7:7E-7.4(r)4 with no changes in text. This change is being included for informational purposes only.
N.J.A.C. 7:7E-7.14(c) High-rise structures	<b>MODIFIED:</b> Added wind turbines to the list of high rise structures to which this rule does not apply	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program			The High rise structures rule contains standards intended to ensure that high-rises structures, which can present a visual intrusion, cast shadows on beaches, and in some case cause adverse traffic impacts, are sited in suitable locations in the coastal zone. The rule contains exceptions for certain development, notably development on the piers in Atlantic City, which cannot meet setback or waterfront orientation requirements, and utility structures provided there is a demonstrated need. Utility structures are structures such as communication towers and electric distribution structures. Wind turbines have been added to the list of high-rise structures to which the rule does not apply. Wind.

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N.J.A.C. 7:7E-7.14 (continued)					turbines would not have the traffic or shadow impacts that high rise buildings might, and are more similar to utility structures. Any visual impacts associated with the construction of wind turbines would be addressed through the Scenic resources and design rule, N.J.A.C. 7:7E-8.12. The Department does not consider this a substantial change to the special management areas, uses subject to management, authorities and organization or consideration of the national interest
<b>SUBCHAPTER 8. RESOURCE RULES</b>					
N.J.A.C. 7:7E-8.12(d)	<b>MODIFIED:</b> Excepted wind turbines from the setback requirement	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program			The Scenic resources and design rule is intended to apply to developments which, by their singular or collective size, location and design, could have a significant adverse effect on the scenic resources of the coastal zone. To prevent such adverse effects, the rule calls for visually compatible uses and requires that open view corridors of the waterfront be maintained and that structures be separated from the beach, dune, boardwalk, or waterfront, whichever is further inland, by a distance equal to two times the height of the structure. Due to the significant height of wind turbines, this would require the taller turbines, those 200 to 300 feet in height, to be separated from the beach, dune or waterfront by 400 to 600 feet. These siting requirements provide that the scenic and visual qualities of coastal areas shall be maintained as important public resources in the siting of energy facilities. Wind turbines have been exempted from this requirement as the Department has determined that the other criteria of the Scenic resources and design rule, which encourages new development that is visually compatible with its surroundings in terms of building and site design while discouraging new development that is not visually compatible with existing scenic resources in terms of large-scale elements of building and site design, in conjunction with the siting requirements of the Energy facility use rule at N.J.A.C. 7:7E-7.4, are sufficient to ensure that effects on scenic resources are taken into consideration in the siting of wind turbines. The Department does not consider this change to be a substantial change to special management areas, uses subject to management, authorities and organization or consideration of the national interest.