

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE MANAGEMENT
Office of Policy Implementation
Notice of Routine Program Change for Coastal Management Program

Take notice that the Department of Environmental Protection (Department) is seeking approval from the National Oceanic and Atmospheric Administration's Office of Coastal Management (NOAA) to modify the Federally approved New Jersey Coastal Management Program (NJCMP) to reflect two Department rulemaking actions as a routine program change pursuant to Federal Regulation 15 C.F.R. 923.80-923.84. The proposed changes, explained in further detail below, would incorporate into the NJCMP regulatory amendments, repeals and new rules that were adopted by the Department in June 2010 that address development in Atlantic City and parking requirements for residential development in the coastal zone (41 N.J.R. 356(a); January 20, 2009 and 42 N.J.R. 1039(a); June 7, 2010), and rules adopted in July 2015 that consolidate the Coastal Permit Program rules, N.J.A.C. 7:7 and Coastal Zone Management Rules, N.J.A.C. 7:7E into a single chapter, known as the Coastal Zone Management (CZM) Rules, N.J.A.C. 7:7, with other various regulatory changes (see 46 N.J.R. 1051(a), June 4, 2014; and 47 N.J.R. 1392(a), July 6, 2015). A summary of the proposed changes to the NJCMP follows:

1. Changes concerning development in Atlantic City and residential parking requirements throughout the coastal zone

On June 7, 2010, regulatory amendments to N.J.A.C. 7:7E were adopted to address the development in Atlantic City including Bader Field and changes to the residential parking requirements throughout the coastal zone. Specifically, these changes: add Bader Field to the list of areas which, for the purposes of the CZM Rules, are not considered bay islands; allow for the future development of Bader Field to incorporate a public walkway in lieu of setting aside a 100-foot wide area along the waterfront for future water dependent use; modify the list of protected street ends in Atlantic City by adding

additional street ends and opening other street ends based on the influx of recent commercial and casino development; and change the parking requirements for residential development in the coastal zone. Because these regulatory amendments change existing enforceable policies of the NJCMP, the Department is seeking to include the following into the NJCMP as enforceable policies through a routine program change:

Regulatory amendments: N.J.A.C. 7:7E-3.21, 3.23, 3.49, and 8.14 (recodified under the July 2015 rulemaking as N.J.A.C. 7:7-9.21, 9.23, 9.47 and 16.12, respectively)

2. Consolidation of the coastal rules into a single chapter with regulatory amendments, repeals, and new rules

On July 6, 2015, regulatory amendments, repeals, and new rules were adopted, which establish a comprehensive and streamlined set of rules governing land use in the coastal zone and refine the Department's rules regarding the protection, use, and development of the State's coastal resources. The following changes were adopted:

Adopted Recodifications with Regulatory Amendments: N.J.A.C. 7:7-1.3 as 1.5; 1.6 as 20.1; 1.10 as 19; 2.1 as 2.2; 2.2 as 2.3; 2.3 as 2.4; 7.1 as 3.2; 7.2 as 4.1 through 4.20; 7.4 as 7; 7.5 through 7.36 as 6; 8 as 29; and 10 as 25; and 7:7E-1.1 as 7:7-1.1; 7:7E-1.2 as 7:7-1.2; 7:7E-1.4 as 7:7-1.3; 7:7E-1.5 as 7:7-1.4(b); 7:7E-3 as 7:7-9; 7:7E-3A as 7:7-10; 7:7E-3C as 7:7-11; 7:7E-4 as 7:7-12; 7:7E-5.1 and 5B.1 as 7:7-13.1; 7:7E-5.2 through 5.5 as 7:7-13.2 through 13.5; 7:7E-5A.2 through 5A.10 as 7:7-13.6 through 13.14; 7:7E-5B.2 through 5B.6 as 7:7-13.15 through 13.19; 7:7E-6 as 7:7-14; 7:7E-7 as 7:7-15; 7:7E-8 as 7:7-16; 7:7E Appendix 3 as 7:7 Appendix H; and 7:7E Appendix 5 as 7:7 Appendix I

Adopted Regulatory Amendments: N.J.A.C. 7:7-1.4 and 7:7 Appendices A, B, and C

Adopted Repeals: N.J.A.C. 7:7-1.1, 1.5, 1.7, 1.8, 1.9, 1.11, 3, 4, 5, 6, 7.3, 7.3A, 8.8, 8.9, 8.10, 8.11, 8.12, and 8.15; and 7:7E-1.3, 1.6, 1.7, 1.8, 3B, 5A.1, and 7.3A, and 7:7E Appendix 1

Adopted New Rules: N.J.A.C. 7:7-1.6, 1.7, 1.8, 2.1, 2.5, 3.1, 3.3 through 3.8, 4.21, 4.22, 5, 6.32, 8, 9.49, 12.8, 17, 18, 21 through 28, and 29.9, and 7:7 Appendices D, E, F, G, and J

The Department considers the above actions to constitute a “Routine Program Change” of the NJCMP. Under 15 C.F.R. 923.84(a), changes to an approved coastal management program constitute a Routine Program Change when they do not result in the kind of amendments of the state’s Coastal Management Program that can be described as “substantial changes to enforceable policies or authorities related to: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and, (5) coordination, public involvement and national interest.”

Federal regulations mandate that the State provide public notice of its Routine Program Change of the State’s Coastal Management Program to the general public, affected parties, local and State agencies, and regulatory offices, and relevant Federal agencies.

The Department has submitted a request for the concurrence of NOAA with the Department’s determination that incorporating the above actions into NJCMP constitutes a Routine Program Change. This notice is required to accompany that submission pursuant 15 C.F.R. 923.84. The routine program change submittal to NOAA is available on the Department’s Coastal Management Program website at www.nj.gov/dep/cmp/czm_news.html. A hard copy may be obtained from the Office of Policy Implementation, P.O. Box 420, Mail Code: 401-07B, Trenton, New Jersey 08625-0420, (609) 633-2201.

Comments on whether or not these actions should be considered a Routine Program Change should be sent within three weeks of the date of this notice to:

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