
Routine Program Change
State of New Jersey Coastal Management Program

Request for Concurrence

June 19, 2017

Consolidation with regulatory amendments adopted in June 2010 and July 2015

Coastal Permit Program rules and Coastal Zone Management rules

New Jersey Administrative Code Title 7, Chapters 7 and 7E

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Introduction

The New Jersey Coastal Management Program (NJCMP) is requesting approval from NOAA'S Office for Coastal Management (OCM) to incorporate regulatory amendments, repeals, and new rules that were adopted by the New Jersey Department of Environmental Protection (Department) in June 2010 that address development in Atlantic City and parking requirements for residential development in the coastal zone, 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 (collectively referred to as the "coastal rules") into a single chapter, known as the Coastal Zone Management (CZM) Rules, N.J.A.C. 7:7, with other various regulatory changes. A summary of these regulatory changes follows.

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 New Jersey's approved CMP 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)

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

Because these regulatory amendments, repeals, and new rules change existing enforceable policies of the NJCMP, the Department is seeking to include the following into New Jersey's approved CMP as enforceable policies through a routine program change, with several exceptions. Please note that the NJCMP is not including the following subchapters, rules, and/or provisions in this program change: lands and waters subject to public trust rights rule (previous N.J.A.C. 7:7E-3.50 recodified as N.J.A.C. 7:7-9.48) and the public access rule (previous N.J.A.C. 7:7E-8.11 recodified as N.J.A.C. 7:7-16.9), N.J.A.C. 7:7-13, Requirements for Impervious and Vegetative Cover, N.J.A.C. 7:7-25, Application Fees, and portions of the pre-application requirements, specifically N.J.A.C. 7:7-22.1(b) and 22.2(d). With respect to the lands and waters subject to public trust rights rule and the public access rule Department will be submitting these changes at a later date.

A summary of all rule changes included in this request for program change approval is included in Appendix 1. The Analysis of Changes section below highlights the most substantial regulatory amendments and new rules as they relate to the five program approval areas. The Department considers all adopted changes to the CZM Rules part of a routine program change. No adopted rule changes have such a significant effect on any program approval area as to constitute an amendment of the NJCMP.

Analysis of Changes

This routine program change involves changes to the NJCMP's enforceable policies. Changes are organized into topic areas and discussed relative to their impact on the five program approvability areas.

Uses Subject to Management

Marinas

As a water dependent use, marinas serve as an essential component of the State's waterfront communities by providing necessary infrastructure and services to the boating public. However, over the last several years, New Jersey has seen a decrease in the money spent on recreational boating as well as a decrease in the number of boat registrations. This in turn has resulted in a loss of jobs, revenue, and services at marina facilities, as well as the conversion of some marinas to non-water dependent uses. The Department, in July 2015 , adopted several regulatory amendments intended to help maintain the economic viability of existing marinas and encourage the development of new marinas in appropriate circumstances while minimizing environmental impacts.

Shellfish habitat

As discussed further under (ii) below, the Department adopted regulatory amendments to the shellfish habitat special area rule, recodified from N.J.A.C. 7:7E-3.2 to N.J.A.C. 7:7-9.2 to allow the expansion of an existing marina and the construction of a new marina in "infill" situations within shellfish habitat if certain conditions are met.

Restaurants at marinas

A regulatory amendment to the filled water's edge special area rule at N.J.A.C. 7:7-9.23(1) allows the construction of a restaurant at a marina with 25 or more dockage units, provided certain standards, set forth in the resort/recreational use rule at N.J.A.C. 7:7-15.3(d)8, are met. If the restaurant is constructed in connection with an existing marina, the existing upland marina support facilities and wet slips servicing the marina must be preserved to the maximum extent practicable so that the marina use on the site is not compromised by the addition of the restaurant use. If the restaurant is constructed with a new marina facility, the marina must include the development of an appropriate mix of dry storage and berthing areas and marina support facilities. Any restaurant at a marina must be located landward of the mean high water line and set back a minimum of 15 feet from any shore protection structure and 25 feet from the mean high water line where no shore protection structure is present. These setback requirements are consistent with the setback requirements for other structures at marinas under general permit 9. The marina facility must provide onsite pumpout facilities and onsite restrooms for marina and restaurant patrons to protect water quality. The rationale of the marina portion of the resort/recreational use rule was updated at N.J.A.C. 7:7-15.3(d)10 to reflect these and other regulatory amendments.

These changes constitute a minor change to the uses subject to management. The filled water's edge special area rule allows marina development as a water dependent use. Because restaurants are allowed only to supplement the marina facility, not replace its marina functions, the water

dependent use of filled water's edge sites will be maintained, even with the addition of a water oriented use.

Construction of support facilities at a marina

The general permit for the construction of support facilities at legally existing and operating commercial marinas was recodified from N.J.A.C. 7:7-7.13 to N.J.A.C. 7:7-6.9. The requirements at former N.J.A.C. 7:7-7.13(b)2ii, which required restrooms to provide both hot and cold water and be maintained in a sanitary, warm, dry, brightly-lit, and well-ventilated condition, and at former N.J.A.C. 7:7-7.13(c)3, which required that trash receptacles along with adequate fish cleaning areas be provided, were deleted as unnecessary. The condition of restrooms is subject to other State and municipal requirements. Similarly, the provision of trash receptacles is addressed at the local level and the need for fish cleaning facilities is determined by the type of services provided by the marina. Accordingly, the Department instead added the provision at N.J.A.C. 7:7-6.9(d) that nothing in this section shall be construed to relieve a marina from compliance with applicable requirements of other State or local agencies.

Repeal of the Marina Development Rule

The prior rules, at N.J.A.C. 7:7E-7.3A, contained standards and guidelines for new marina development. These standards were adopted on July 18, 1994, and were based on a report entitled *Developing a Marina in New Jersey: A Handbook*, dated 1982, and prepared by Rogers, Golden & Halpern under contract by the Department. These guidelines, over 18 years old, no longer reflected current Department practices and guidance and were overly prescriptive and redundant. Therefore, the Department repealed this section. Many of the provisions contained within this previous section continue to be addressed in other sections of the CZM Rules, such as Resort/recreational uses, N.J.A.C. 7:7-15.2, Coastal engineering, N.J.A.C. 7:7-15.11, Water quality, N.J.A.C. 7:7-16.3, and Traffic, N.J.A.C. 7:7-16.12.

Dredging

Dredging is necessary to provide and maintain adequate water depths for the safe passage and berthing of recreational and commercial vessels. The Department adopted regulatory amendments to the CZM Rules relating to dredging and dredged material management to provide clarity and flexibility while promoting the State's policy of encouraging beneficial use of dredged material.

Appendix G

The Department's dredging technical manual, "The Management and Regulation of Dredging Activities and Dredged Material Disposal in New Jersey's Tidal Waters" has served as the NJCMP's enforceable policy for dredging activities, including sampling requirements and techniques, dredging methods, and management of dredged material. With this rulemaking, the

Department incorporated the technical manual into the CZM Rules as regulatory Appendix G. The Department updated references, deleted text that was duplicative of text in the CZM Rules, and deleted certain attachments whose functions are served by other Department documents. Throughout the CZM Rules, references to Appendix G are added to direct applicants to the standards for dredging and dredged material management, including acceptable use determinations for the beneficial use of dredged material. All dredging activities conducted under the CZM Rules must comply with the standards in Appendix G. Because the technical manual was previously approved as an enforceable policy, the incorporation of its requirements into the CZM Rules as Appendix G is considered a routine program change.

Maintenance dredging

The standards for maintenance dredging formerly located at N.J.A.C. 7:7E-4.6 were recodified as N.J.A.C. 7:7-12.6 and amended. Maintenance dredging is the removal of accumulated sediment from previously dredged navigation and access channels, marinas, lagoons, canals, or boat moorings for the purpose of maintaining water depth and width for safe navigation. To be considered maintenance dredging, the dredged area must be the same depth, length, and width as the previous dredging operation. The prior maintenance dredging rule required the applicant to provide a previous authorization, such as a previously issued waterfront development permit, to demonstrate that an area was previously dredged. However, these documents may not always be available. Historical data, such as previous dredging contracts, historic bathymetric surveys, and/or aerial photographs, can document a previous dredging operation. Therefore, the Department modified the maintenance dredging rule at N.J.A.C. 7:7-12.6(a)1 to allow flexibility in the type of documentation that can be used to demonstrate that a proposed dredging activity qualifies as maintenance dredging. The regulatory amendments to the definition of maintenance dredging also eliminated the requirement that the area to be dredged must currently be used for navigation or mooring of vessels requiring the proposed water depth, or otherwise was dredged within the last ten years. This change recognizes that not all navigation channels or mooring areas are currently used for navigation or have been dredged on a ten-year or less cycle. The Department is instead requiring the proposed dredge area to have been historically dredged and used for navigation or mooring of vessels requiring the proposed water depth.

The Department adopted additional changes to the maintenance dredging standards to increase clarity and better protect coastal resources. Regulatory amendments to N.J.A.C. 7:7-12.6(c) clarify what kinds of analysis may be required in cases where the Department suspects that the material to be dredged may be contaminated. Additionally, new N.J.A.C. 7:7-12.6(c) provides that if predicted water quality parameters are likely to exceed the Surface Water Quality Standards at N.J.A.C. 7:9B or the Ground Water Quality Standards at N.J.A.C. 7:9C, or if pre-dredging chemical analysis of dredged material, including surface water or ground water predictive analysis, reveals significant contamination, the Department will impose control measures, including timing restrictions on when dredging or dredged material disposal or placement may occur.

A new provision at N.J.A.C. 7:7-12.6(c)5 states that, in cases where mechanical dredging is used, silt curtains may be required as provided in Appendix G. Additional best management practices may be required where highly contaminated sites are proposed to be dredged.

The Department also modified provisions concerning reprofiling at N.J.A.C. 7:7-12.6(d). Reprofiling is the movement of sediment from one area to a deeper, adjacent area without removing the sediment from the water. The Department changed the definition of reprofiling within the maintenance dredging rule to match the definition of reprofiling set forth in Appendix G. Additionally, while the prior rule discouraged reprofiling in all water areas except the New York-New Jersey Harbor area, the modified rule completely prohibits reprofiling in areas outside of the New York-New Jersey Harbor area.

New dredging

In addition to amending the rules on maintenance dredging, several regulatory amendments were made to new dredging provisions, which were recodified from N.J.A.C. 7:7E-4.7 to N.J.A.C. 7:7-12.7. The definition of new dredging was modified to exclude environmental dredging, which is now treated separately in the CZM Rules, and to include the temporary or permanent displacement or removal of sediment for the purposes of the installation of submerged pipelines or cables.

As discussed in regards to maintenance dredging, provisions concerning pre-dredging chemical and physical analysis of dredged material in cases where contamination is suspected are clarified and expanded to include water quality predictive analyses for surface water and groundwater as potential requirements.

Environmental dredging

The Department adopted a new general water area rule at N.J.A.C. 7:7-12.8, Environmental dredging. The new rule was adopted to distinguish new dredging performed for purposes of navigation and installation of submerged pipelines and cables from new dredging that is specifically undertaken to remove contaminated sediments from a waterway for remediation purposes in accordance with a remediation plan that is approved by the Department, a licensed site remediation professional, or a Federal agency under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The term “environmental dredging” is defined at N.J.A.C. 7:7-12.8(a) as the removal of contaminated sediments for the purpose of remediating environmental risk within a special hazard area.

Several standards must be met for environmental dredging to comply with this rule, as set forth in N.J.A.C. 7:7-12.8(b). The dredging and dredged material management must be conducted in accordance with either a Remedial Action Work Plan approved by the Department or approved by a licensed site remediation professional pursuant to the Administrative Requirements for the Remediation of Contaminated Sites Rules (N.J.A.C. 7:26C) and satisfying the Technical

Requirements for Site Remediation (N.J.A.C. 7:26E) or conducted in accordance with CERCLA Sections 104, 106, 120, 121, or 122.

Under N.J.A.C. 7:7-12.8(b)2, the dredging and dredged material disposal must comply with the applicable conditions for new dredging at N.J.A.C. 7:7-12.7(c)10 and with Appendix G.

Although not considered an enforceable policy, the rule rationale at N.J.A.C. 7:7-12.8(c) establishes that the rule is intended to allow for the removal of sediments contaminated above specific action levels, while minimizing the spread of contaminants to surrounding areas.

Use of dredged material as fill

The Department has a longstanding policy of promoting the beneficial use of dredged material. In 2015, the Department modified several rules to further promote the use of clean dredged material of appropriate grain size in different regulated activities.

General permit 6 at N.J.A.C. 7:7-6.6 (recodified from N.J.A.C. 7:7-7.10) authorizes the construction of a bulkhead and placement of associated fill on a man-made lagoon. The prior rules required that only clean fill from an upland source be used as backfill material. However, in some cases the installation of a bulkhead requires the removal of sediment from the waterway. The Department therefore revised the requirements of this general permit to allow, at the use of dredged material removed as part of the bulkhead installation to be used as backfill. The dredged material must meet the criteria for structural or non-structural fill in Appendix G to ensure it is of appropriate grain size and chemical composition to be used as backfill. Management of dredged material removed under this permit must also comply with the best management practices set forth in Appendix G to minimize erosion.

The Department similarly revised general permit 10 for the reconstruction of a legally existing functioning bulkhead (N.J.A.C. 7:7-6.10, recodified from N.J.A.C. 7:7-14) and general permit 14 for bulkhead construction and placement of associated fill at a single-family home or duplex lot (N.J.A.C. 7:7-6.14, recodified from N.J.A.C. 7:7-7.18).

The wet borrow pit special area rule, recodified from N.J.A.C. 7:7E-3.14 to N.J.A.C. 7:7-9.14, has also been modified to reflect the Department's promotion of beneficial use of dredged material. The prior rules, at N.J.A.C. 7:7E-3.14(f), discouraged the disposal of dredged material within a wet borrow pit unless, among other requirements, the material is clean and non-toxic, of an appropriate particle size for the site, and will not disturb groundwater flow or quality. Former N.J.A.C. 7:7E-3.14(g) addressed the filling of wet borrow pits for construction. These provisions were contrary to the Department's encouragement of beneficial use of dredged material. Therefore, the Department deleted N.J.A.C. 7:7E-3.14(f) and amended N.J.A.C. 7:7E-3.14(g) (recodified as N.J.A.C. 7:7-9.14(f)) to allow the use of dredged material as fill in the reclamation of wet borrow pits for the purposes of construction in certain circumstances. This change allows

dredged material that is excavated from dredged material management areas to be used as fill material in the reclamation of wet borrow pits.

The dry borrow pit special area rule, recodified from N.J.A.C. 7:7E-3.35 to N.J.A.C. 7:7-9.33, was similarly amended. The conditions that must be met to fill dry borrow pits were modified, at N.J.A.C. 7:7-9.33(h), to include as acceptable fill dredged material that meets the standards contained in Appendix G.

Dredged material management areas

As discussed in detail under (ii) below, the Department established a new special area rule for dredged material management areas to improve the NJCMP's management of dredging and dredged material placement.

Housing

The Department made several changes to provisions which regulate the construction of single family homes and duplexes.

The general permit for the development of one single-family home or duplex, formerly codified as N.J.A.C. 7:7-7.8, was recodified as N.J.A.C. 7:7-6.4 (general permit 4) and amended to expand the scope of activities authorized under this general permit to include the development of one or two single-family homes or duplexes. It has been the Department's experience in reviewing residential developments that application for the construction of two dwelling units, usually associated with the subdivision of a single lot, is common. These lots are typically already disturbed and, in some instances, may have an existing single-family home on the lot which will be replaced with two single-family homes. While there are impacts associated with any development, the impacts associated with the construction of two single-family or duplex homes constructed in accordance with the standards of the general permit will be minimal. The construction of one or two single-family homes or duplexes must comply with the special area rules on dunes, beaches, flood hazard areas, wetlands, wetland buffers, and endangered or threatened wildlife or plant species habitat.

With the expansion of this general permit to include two single-family homes or duplexes, the Department has determined that, in addition to compliance with the above referenced special area rules, the development of two single-family homes or duplexes must also address historic water dependent uses of the site. Therefore, the general permit requires that the development of two single-family homes or duplexes must also comply with the filled water's edge rule if the site has included a water-dependent use at any time since July 1977.

The flood hazard special area rule at N.J.A.C. 7:7-9.25 (recodified from N.J.A.C. 7:7E-3.5) was amended to allow the construction of one or two single-family homes or duplexes in an undeveloped portion of a flood hazard area that is within 100 feet of a navigable water body.

Under the prior rules, development was prohibited in this circumstance unless the development was a water dependent use. The regulatory amendment is consistent with the Department's Flood Hazard Area Control Act Rules which allow development of a single family home in flood hazard areas provided specific design and construction standards are met to ensure that the building does not exacerbate flooding or put the inhabitants at risk.

Although a municipality's participation in the National Flood Insurance Program (NFIP) is voluntary and not affected by requirements of the CZM Rules, the flood hazard area special area rule does promote consistency with the NFIP. N.J.A.C. 7:7-9.25(f)3 requires that all development within flood hazard areas conform with the Federal flood reduction standards, 44 CFR Part 60, Requirements for Land Management and Use, which sets forth minimum requirements for communities wishing to participate in the NFIP.

The housing use rule was amended at N.J.A.C. 7:7-15.2(e) to allow the construction of one or two single-family homes or duplexes under the conditions of general permit 4 described above.

Pesticide application to control invasive species

The Department adopted a new permit-by-rule and a new general permit for pesticide application in coastal wetlands for the purpose of controlling invasive plant species.

The management of invasive plant species in the coastal zone typically includes the application of pesticides in coastal wetlands, which is regulated under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., and therefore under the CZM Rules. Under the coastal wetlands rule at N.J.A.C. 7:7-2.3 (recodified from N.J.A.C. 7:7-2.2(b)), the application of any pesticide on areas in coastal wetlands containing significant stands of high vigor saltmarsh cordgrass, wild rice, cattail, and common threesquare is prohibited. However, application of pesticide in other coastal wetlands is not prohibited and was previously authorized through individual coastal wetlands permits. The Department determined that, in some cases, the thorough individual permit process was not warranted and therefore adopted a new permit-by-rule and a new general permit to authorize these activities, as described below.

Permit-by-rule 21, adopted at N.J.A.C. 7:7-4.21, authorizes the application of pesticide within coastal wetlands to control invasive plant species over an area of one-quarter acre or less. The activities must not adversely affect habitat for threatened or endangered wildlife or plant species. Additionally, if the application of pesticide is conducted in waters of the State or waters of the United States, it must be conducted pursuant to an aquatic pesticide permit issued by the Department's Bureau of Licensing and Pesticide Operations in accordance with the Department's Pesticide Control regulations at N.J.A.C. 7:30-9.3.

General permit 32 is a new general permit, adopted at N.J.A.C. 7:7-6.32, which authorizes the application of pesticide within coastal wetlands to control invasive plant species over an area

greater than one-quarter acre. The pesticide application cannot adversely affect threatened or endangered wildlife or plant species habitat, cannot occur within areas containing significant stands of high vigor saltmarsh cordgrass, wild rice, cattail, or common threesquare, and, when conducted within waters of the State or waters of the United States, is conducted pursuant to an aquatic use permit issued by the Department's Bureau of Licensing and Pesticide Operations.

A definition of "invasive plant species" was added at N.J.A.C. 7:7-1.5 for the purposes of these new permits. The definition is adapted from the definition of invasive species adopted by the New Jersey Invasive Species Council (see NJ Invasive Species Council 2009, New Jersey Strategic Management Plan for Invasive Species, <http://www.nj.gov/dep/njisc/docs/Final%20NJ%20Strategic%20Management%20Plan%20for%20Invasive%20Species%2011.09.pdf>).

Special Management Areas

Shellfish habitat

The shellfish habitat special area rule was recodified as N.J.A.C. 7:7-9.2 and amended to expand the activities allowed in shellfish habitat areas in limited circumstances. Over the past several years, the State has seen a decrease in the number of marina facilities through their conversion to various non-water dependent uses. As mentioned previously, the Department adopted regulatory amendments that allow the expansion of commercial marinas within shellfish habitat and the construction of new commercial marinas in infill situations in order to preserve existing facilities, encourage new facilities, and ensure there are sufficient boat slips available to the public.

N.J.A.C. 7:7-9.2(d)4 sets forth the conditions for the expansion of an existing commercial marina in shellfish habitat. This provision is limited to legally existing, operating commercial marinas that are open to the general public for the mooring of vessels, including marinas operated by public agencies, commissions, and authorities. The expansion must be designed and constructed in a manner that limits the area of shellfish habitat condemned and reduces the impacts to the marine ecosystem to the maximum extent practicable.

The area in which the marina will be expanded under this new provision must have sufficient water depths to accommodate the vessels to be moored within the area of expansion. At a minimum, water depth is required to be at least two feet at mean low water, with the depth to be greater than that if larger vessels are proposed to be moored in the area of expansion. This requirement is necessary to ensure that the area in which the marina will be expanded has adequate water depths so that dredging will not be required. Dredging is explicitly prohibited in conjunction with the construction or use of the marina expansion.

Additionally, all structures associated with the marina expansion located at or waterward of the mean high water line, except for pilings, must be constructed of non-polluting materials to prevent the leaching of chemicals into the water area. To further reduce impacts to water quality, the expanded marina must provide on-site restroom and pumpout facilities. The construction of a marina expansion in shellfish habitat requires mitigation in the form of a monetary contribution to the Department's dedicated account for shellfish habitat mitigation, in accordance with N.J.A.C. 7:7-17, Mitigation.

The conditions for the construction of a new commercial marina within shellfish habitat in an infill situation are set forth at N.J.A.C. 7:7-9.2(d)5. Some areas of New Jersey's coastal zone have a concentration of commercial marinas such that the marine ecosystem within the surrounding area has been affected by their operation. In keeping with the policy of concentrating development, the Department seeks to steer new marina development to areas which are already substantially impacted by development. The new marina must be a commercial marina which is open to the general public or a marina operated by a public agency, commission, or authority. The proposed marina must be located between two legally existing and operating commercial marinas where the distance between the two nearest adjacent existing legal docks or piers of the two marinas on either side of the proposed marina is no more than 500 feet as measured from the outside corner of the outermost end of decking of the two nearest adjacent legal docks or piers in order to be considered "infill." New regulatory Appendix F illustrates how this distance is measured. The proposed new marina must not interfere with access to the existing marinas. The same requirements for minimizing the total area covered by structures, water depth, dredging, the use of non-polluting materials, and restrooms and pumpout facilities that apply to the expansion of a marina in shellfish habitat apply to the construction of a new infill marina in shellfish habitat. Mitigation for the condemnation of shellfish habitat or other impacts must be provided in accordance with N.J.A.C. 7:7-17, Mitigation.

Dredged material management areas

A new special area rule addressing dredged material management areas was adopted at N.J.A.C. 7:7-9.49 in recognition of the critical function such areas serve in the management of sediments removed from channels and marinas to maintain boating and marine commerce in New Jersey's waters.

Over the last decade, a number of dredged material management areas adjacent to Federal and State navigation channels have been converted to residential or commercial development or mitigation areas, which has resulted in the inability of Federal and State governments to maintain these navigation channels for recreational and commercial boating. Due to the loss of these areas, government agencies have had to transport dredged material far from its source at a high cost, create new capacity in environmentally sensitive nearshore environments, or defer maintenance dredging altogether. The failure to maintain navigational depths creates a hazard to all boating

traffic, can impede growth of commercial and recreational activities in coastal communities, or may even result in reduction of those activities.

The new rule, at N.J.A.C. 7:7-9.49(a), defines a dredged material management area as an area documented as having been previously used for the placement of sediment associated with the dredging of State and/or Federal navigation channels and marinas. Documentation may include aerial photography, historical surveys, and/or previously issued dredging permits. N.J.A.C. 7:7-9.49(b) discourages development that would change the land use of a dredged material management area owned by a Federal or State agency in recognition of the fact that these areas are an essential component of dredging operations to maintain State and/or Federal channels and should be preserved to the maximum extent possible. Under the CZM Rules, “discouraged” means that a proposed use of coastal resources is likely to be rejected or denied as the Department has determined that such uses of coastal resources should be deterred. In cases where the Department considers the proposed use to be in the public interest despite its discouraged status, the Department may permit the use provided that mitigating or compensating measures can be taken so that there is a net gain in quality and quantity of the coastal resource of concern. Under N.J.A.C. 7:7-9.49(c), development which changes the land use of a dredged material management area owned by a person, entity, or local governmental entity is conditionally acceptable provided the Department determines either that the use of the area was for the one-time placement of dredged material or that the dredged material management area is not located within hydraulic pumping distance of a State or Federal navigation channel, and that the purchase of this area by the State for use as a dredged material management area is not feasible.

New N.J.A.C. 7:7-9.49(d) encourages the beneficial use of dredged material from a dredged material management area provided environmental impacts associated with the removal of dredged material are minimized. Although not an enforceable policy, the rule rationale at N.J.A.C. 7:7-9.49(e) specifies that continued use of these areas for the management of sediments removed from State and Federal navigation channels and marinas to maintain navigation is critical to the State’s recreational and commercial boating industry and marine commerce.

The Department also modified the wetlands special area rule at N.J.A.C. 7:7-9.27(h) (recodified from N.J.A.C. 7:7E-3.27(h)) to facilitate the establishment of the dredged material management area special area rule. Changes in terminology from “dredged material disposal site” to “dredged material management area” and from “dredged material disposal” to “placement of dredged material” were made throughout for consistency. In order to use a former dredged material management area in which wetlands are now present, the rule previously required that the site must have been used within the last 10 years. The Department deleted this requirement because the Department has determined that it is appropriate to evaluate the use of former dredged material management areas based on existing environmental conditions at the time an application is submitted to the Department in order to minimize impacts to special areas instead of limiting use of the area based solely on the last time it was used for dredged material management. The

requirements of existing N.J.A.C. 7:7E-3.27(h)2 through 7 were recodified as N.J.A.C. 7:7-9.27(h)1 through 6 and serve to sufficiently minimize impacts of the use of dredged material management areas on surrounding land uses and coastal resources.

N.J.A.C. 7:7-9.27(h)1 requires that the dredged material management area must have existing dikes or berms in sound condition and/or must have sufficient material within the area to allow for the construction or reconstruction of structurally sound dikes or berm. This requirement was modified to require any construction or reconstruction of dikes or berms to be designed by a New Jersey licensed professional engineer and performed in accordance with Appendix G. Appendix G requires that the construction or reconstruction of dikes or berms must comply with Federal and State standards to ensure that they are structurally sound. Appendix G also requires that measures are taken to minimize impacts of any potential exposure to contaminants that may be present in the dredged material management area.

Mitigation

Certain permitted activities within special areas require mitigation to compensate for disturbance or loss of the area or resource protected. As part of the 2015 rulemaking, the Department adopted a new subchapter in the CZM Rules to set forth the requirements for all mitigation required under the CZM Rules. This subchapter, at N.J.A.C. 7:7-17, replaces the mitigation requirements formerly located at N.J.A.C. 7:7E-3.2, 3.6, 3.15, 3.27, 3B, and 4.10. The Department reorganized and consolidated these mitigation requirements and updated the requirements to better align with the FWPA Rules for freshwater wetlands mitigation and the Federal Mitigation Rule. Changes were made throughout the CZM Rules to reflect this new subchapter.

Bader Field

The bay islands rule, N.J.A.C. 7:7-9.21 (recodified from N.J.A.C. 7:7E-3.21), is intended to protect these environmentally sensitive areas from development and to protect the public during coastal evacuations by limiting development on these islands. However, the rule excludes certain bay islands from its requirements based on a review of the physical conditions of these islands, including environmental sensitivity, accessibility, and level of existing development and infrastructure. In excluding these islands from the rule, it was determined that future development would not pose a significant threat to environmental resources, nor would it adversely affect storm evacuation from the oceanfront barrier islands. The bay islands excluded from the rule all have existing high intensity development, direct access to major roads, and access to existing utility infrastructure.

In 2010, the area known as Bader Field was added to the list of bays islands to which the rule does not apply. This area is a former airport that was open from 1910 to 2006. The area has been developed with high intensity commercial and public development, has direct access to major

roads, and is serviced by public utilities including sewer, gas, electric, and water. Given that Bader Field shares the characteristics of other bay islands excluded from this rule, the Department determined that it is appropriate to add this area to the list of excluded bay islands.

The filled water's edge rule, N.J.A.C. 7:7-9.23 (recodified from N.J.A.C. 7:7E-3.23) requires the waterfront portion of the site located in the CAFRA area to be developed with a water dependent use; developed with an at-grade deck open to the general public that is water oriented, unenclosed and surrounded by a public walkway landward of the mean high water line; or left undeveloped for future water dependent uses. In waterfront areas located outside of the CAFRA zone, a public walkway satisfies the requirement for development with a water dependent use. Under the 2010 rulemaking, the rule was revised to allow the filled water's edge requirements to also be satisfied by installation of a public walkway at least 20 feet wide with a 40 feet wide right-of-way at Bader Field (which is located in the CAFRA area). This option is similar to the preferred options in the urban waterfront region. Given the likelihood that development on Bader Field will more closely resemble development in the urban waterfront region rather than that found in other oceanfront communities in the CAFRA area, the Department found it appropriate to allow the option to install a public walkway along the waterfront instead of requiring development with a water dependent use or at-grade deck.

Boundaries

The regulatory amendments, repeals, and new rules adopted in 2010 and 2015 do not change the jurisdictional boundaries of the NJCMP. As discussed under (v), the 2015 adoption clarifies the NJCMP's jurisdiction over activities within a portion of the Delaware River and its shore but does not change any boundary previously approved by OCM.

Authorities and Organization

Rule adoptions; consolidation with regulatory amendments

Because all of the changes described in this document were made to the coastal rules, they are by definition changes to the "authorities and organization" program approvability area.

The regulatory amendments adopted in 2010 do not have a significant effect on the NJCMP's control of land and water uses in the State's coastal zone nor do they change the organizational structure approved by OCM to implement the NJCMP.

Given the consolidation and reorganization of the coastal rules, the regulatory amendments, repeals, and new rules adopted in 2015 do affect the organization of the NJCMP. The consolidation of N.J.A.C. 7:7 and N.J.A.C. 7:7E retains the content of the two chapters while reorganizing, rewording, and refining certain provisions. The majority of changes serve to

streamline the regulatory process and promote consistency with other Department regulations. The regulatory amendments therefore do not substantially change the NJCMP's general techniques for control of land and water uses within the State's coastal zone, nor do they significantly change the organizational structure approved by OCM to implement the NJCMP. The structure for implementing the NJCMP remains the adopted coastal rules.

General permits-by-certification

The Department has established electronic permits, called general permits-by-certification, for subsets of general permit activities which have minimal environmental impacts. The tight limitations on the activity or activities that can be authorized enable the automated issuance of an approval or rejection because there is no need for a case-by-case evaluation of whether the particular proposed manner of conducting the activity meets the conditions of the general permit. The applicant has to certify that their activity meets all requirements of the permit. Upon successfully completing the application and certifying the truth and accuracy of the information provided, the applicant has access to the authorization from their computer. Although the response to the application is automated, the online submission process creates a complete and certified record by the applicant regarding the activity to be conducted, including the name, address, and contact information of the person responsible for conducting the activity and the property owner, the specific location of the activity, and the public notice of the proposed activity that the applicant is required to provide.

Two general permits-by-certification were adopted at N.J.A.C. 7:7-5, as described below. Application requirements are located within N.J.A.C. 7:7-23.

General permit-by-certification 10 authorizes the reconstruction of a legally existing functioning bulkhead in-place or upland of a legally existing functioning bulkhead, similar to general permit 10 (formerly general permit 14). The requirements for the general permit-by-certification, however, do not provide for as much flexibility in the placement of the bulkhead and the type of backfill used. Under general permit-by-certification 10, the proposed replacement bulkhead must be located upland of any wetlands. The construction of replacement bulkheads subject to wave run up forces must be designed and certified by a professional engineer to withstand the forces of wave run-up. The proposed bulkhead cannot create net adverse shoreline movement downdrift, including erosion or shoaling and cannot adversely impact any special areas. Only clean fill from an upland source can be used for backfill.

General permit-by-certification 15 authorizes the construction of piers, docks, jet ski ramps, pilings, and boatlifts in man-made lagoons, similar to general permit 15 (formerly general permit 19). The conditions of this general permit-by-certification are identical to the general permit conditions, except that general permit 15 allows the applicant to propose an alternate dock design if the design allows for equal or greater light penetration. However, because the general permit-by-certification process does not allow for a case-by-case evaluation by the Department, dock

construction under general permit-by-certification 15 must conform exactly to the Department's specifications.

While introducing a new type of coastal permit, the adoption of two general permits-by-certification does not substantially affect the NJCMPs general techniques for control of land uses and water uses within the coastal zone. The activities are still regulated under the CZM Rules and require a permit. Because general permits-by-certification require notification to the Department through the online submission, the Department has the ability to audit compliance with any authorizations issued electronically. The Bureau of Coastal and Land Use Enforcement has committed to performing at least 50 standard compliance inspections targeting general permits-by-certification. Projects found to be out of compliance with the specifications for these permits will be issued a Notice of Violation and the owner directed to apply to the proper permits or the offending construction must be removed and the area restored.

Coordination, Public Involvement, and the National Interest

The 12-mile circle

The Department added an explanation of the State of New Jersey's jurisdiction within the "12-mile circle" to the CZM Rules at N.J.A.C. 7:7-1.2(c). The 12-mile circle is a roughly circular arc that forms the boundary of Delaware with Pennsylvania, New Jersey, and Maryland, including certain land and water within the boundary of the State of Delaware on the eastern shore of the Delaware River. The decision by the United States Supreme Court in *State of New Jersey v. State of Delaware*, 552 U.S. 597, 623-24 (2008) clarifies New Jersey's riparian jurisdiction as to the Delaware River under the Compact of 1905 between the states of New Jersey and Delaware (N.J.S.A. 52:28-34 et seq.), specifically concerning the 12-mile circle. As interpreted by the U.S. Supreme Court, within the 12-mile circle, New Jersey has jurisdiction over certain activities. New Jersey may grant and thereafter exercise governing authority over ordinary and usual riparian rights for the construction, maintenance, and use of wharves and other riparian improvements appurtenant to the eastern shore of the Delaware River within the 12-mile circle and extending outshore of the mean low water line.

The Department added to the section of the rules concerning regulated activities under the Waterfront Development Law to explain that the regulated waterfront area within the 12-mile circle is distinct from that within other areas. N.J.A.C. 7:7-2.4(a)4 provides that, within the 12-mile circle, the regulated waterfront area includes the area at or waterward of the mean high water line, consistent with the decree of the U.S. Supreme Court. N.J.A.C. 7:7-2.4(c) identifies the specific development activities that require a coastal permit in the portion of the waterfront area that is at or waterward of the mean high water line. Consistent with the decree of the U.S. Supreme Court, the Department amended this subsection to clarify that when the activities identified at N.J.A.C. 7:7-2.4(c)1 through 4 are conducted within the 12-mile circle, a permit is

required only if the activity is an improvement appurtenant to the eastern shore of the Delaware River and extending outshore of the mean low water line, or the activity, such as dredging, will maintain access from the navigable water to such improvement.

Applicants for permits within or 200 feet from the 12-mile circle must provide public notice to the State of Delaware's Coastal Management Program in accordance with new N.J.A.C. 7:7-24.3(b)7. This requirement ensures that the State of Delaware is cognizant of such activities and can provide comment concerning the effect of the proposed activity on Delaware's coastal zone and coastal resources.

See section (8) of this document for a discussion of the consultation/coordination with the Delaware Coastal Management Program that occurred as part of this rulemaking.

Public notice for permit applications

As part of the 2015 rulemaking, the Department consolidated and refined the requirements to provide public notice of a permit application. As established by N.J.A.C. 7:7-24.1, public notice is required when submitting an application for authorization under a general permit-by-certification or general permit, individual permit, major technical modification to a permit, or mitigation proposal. Under the rules, if an applicant is applying for more than one coastal permit, or for a coastal permit and a flood hazard or freshwater wetlands permit, the applicant may provide combined public notice for all applications concurrently submitted, provided the notice meets all of the requirements that apply to each application. Failure to provide public notice is cause for the Department to cancel an application because public involvement is an essential component of coastal management and land use management as a whole.

Under N.J.A.C. 7:7-24.2, applicants are required to provide public notice of an application no more than 30 days prior to the submittal of an application and no later than the date the application is submitted. This requirement is designed to ensure that the notice of an activity is given in a timeframe that allows for meaningful public comment. As set forth in N.J.A.C. 7:7-24.3(b), public notice must be provided to the construction official, environmental commission, and planning board of each municipality in which the site of the activity is located, the planning board of each county in which the site is located, and the local Soil Conservation District (if the project will disturb 5,000 square feet or more of land). The applicant is additionally required to provide notice to all owners of real property, including easements, located within 200 feet of the property boundary of the site. If the site lies within the 12-mile circle established by the United States Supreme Court in *State of New Jersey v. State of Delaware*, 552 U.S. 597, 623-24 (2008), the applicant must also provide notice of the application to the State of Delaware's Coastal Management Program. The required recipients of public notice of an application represent the parties most likely to be affected by or interested in the particular activity proposed in the coastal zone.

Under new N.J.A.C. 7:7-24.3(c), for linear projects of one-half mile or longer, shore protection developments, a public development on a site of 50 acres or more, or an industrial or commercial development on a site of 100 acres or more, the applicant must publish newspaper notice and provide notice to all property owners within 200 feet of any proposed above-ground structure that is part of the proposed development. This provision expands the scope compared to the prior rules to require a wider variety of developments to provide newspaper notice which will ensure adequate notification to the public such that meaningful comment on proposed development can be obtained.

As established in N.J.A.C. 7:7-24.3(d), public notice to the individuals described above consists of a brief description of the proposed project, a site plan, and a copy of a standard form letter notice (provided on the Department's website) explaining that an application will be submitted to the Department for the specific project, that a complete application is available for review at the municipal clerk's office and Department's Trenton office, and that comments or information concerning the proposed project and site can be submitted to the Department within 15 calendar days of the receipt of the letter.

If a proposed activity is also in the Pinelands Preservation Area, Pinelands Protection Area, or the Pinelands National Reserve, a copy of the entire application must be provided to the New Jersey Pinelands Commission. Under the prior rules, this was only required for applications for an authorization under a general permit, a CAFRA individual permit, or a major modification. The expansion of this requirement to include applications for any individual permit will facilitate coordination between the Department and the Pinelands Commission, thus enhancing the management of the coastal zone within areas under the jurisdiction of the Pinelands Commission.

Additional application requirements for public notice of an application apply to CAFRA individual permits, as set forth in N.J.A.C. 7:7-24.4. An applicant for a CAFRA individual permit must publish initial newspaper notice that an application is being submitted to the Department. As described in N.J.A.C. 7:7-24.4(b)-(d), notice of the public comment period of the application must be provided to the same individuals, and including the same information, as described in N.J.A.C. 7:7-24.3(b) through (d). Should the Department hold a public hearing on a CAFRA individual permit application pursuant to N.J.A.C. 7:7-26.5, the applicant must provide notice of the public hearing on the application in accordance with proposed N.J.A.C. 7:7-24.4(e). Notice of the public hearing is to be provided in the same manner as the notice of a public comment period on a CAFRA individual permit application, and must include the date, place and time of the hearing. Newspaper notice is also required for a public hearing.

N.J.A.C. 7:7-24.5 sets forth the requirements for newspaper notice, which are similar to the previous requirements. The Department amended these requirements to allow the applicant to publish newspaper notice as either a legal notice or a display advertisement, rather than limit the applicant to a display advertisement.

N.J.A.C. 7:7-24.6 identifies the documentation necessary for an applicant to demonstrate that the required public notice has been provided in accordance with N.J.A.C. 7:7-24, as well as the timeframes under which the documentation must be submitted to the Department. This section standardizes the requirements for documenting public notice in order to facilitate application processing and to ensure compliance with the public notice requirements.

The adopted rules expand public notice requirements in order to enhance the coordination between the Department and other State and local entities and improve the ability of the public to provide meaningful comment on activities proposed to occur in the coastal zone. The new rules enhance, but do not significantly alter, the NJCMP's procedures for public participation in the permitting process and are thus considered a routine program change.

Appendix 1: Tables of Rule Changes and Repeals

Appendix 1A: Table of Rule Changes

SUBCHAPTER 1. GENERAL PROVISIONS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-1.1 Purpose	7:7E-1.1	<p>Modified:</p> <ul style="list-style-type: none"> • Introductory language for clarity and to reflect consolidation of chapters • Grammatical changes, minor clarifying language changes, and added/updated citations <p>Deleted: N.J.A.C. 7:7E-1.1(b) which contained a description of the history of the State's coastal management program which will be relocated to the NJCMP's web site</p>	July 6, 2015	July 6, 2015	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
7:7-1.2 Scope	7:7E-1.2 7:7-1.4(a) and 1.5(c)4 and 5	<p>Added: Explanation of New Jersey's jurisdiction over riparian rights for various riparian improvements appurtenant to the eastern shore of the Delaware River within the 12-mile circle in accordance with the decree of the U.S. Supreme Court in <i>State of New Jersey v. State of Delaware</i>, 522 U.S. 597,623-24 (2008), N.J.A.C. 7:7-1.2(c)</p> <p>Modified:</p> <ul style="list-style-type: none"> • To remove opening word or phrase that introduces content of the respective subsections • To consolidate existing provisions relating to Federal consistency determinations and water quality certificates into single subsection and to revise language for clarity • To include "compliance activities" in the listing of management actions in or affecting the coastal zone <p>Deleted: N.J.A.C. 7:7E-1.2(g)1-11 and (h)1-8 which contained a list of individualized management actions and planning actions as they are superfluous because the rules necessarily apply to any management or planning action in or affecting the coastal zone regardless of whether it is listed</p>	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-1.3 Review, revision, and expiration	7:7E-1.4	<p>Modified: Language for clarity</p> <p>Deleted: Obsolete reference to the 5-year review period under EO 66 as well as an expected annual review of the rules</p>	July 6, 2015	July 6, 2015	
7:7-1.4 Standards for evaluating permit applications	7:7-1.4 7:7E-1.5	<p>Modified: To replace reference to CAFRA findings with the findings themselves as part of consolidation of the chapters with no changes in the findings</p> <p>Deleted: References to water quality certificates and Federal Consistency determinations at N.J.A.C. 7:7-1.4(a) as these actions are not considered "coastal permits"</p>	July 6, 2015	July 6, 2015	
7:7-1.5 Definitions Note: The NJCMP is not seeking to incorporate the definitions of "Critical infrastructure," "homeland security facility," "parcel," and "redevelopment" at this time. These definitions will be included in a separate program change relating to public access.	7:7-1.3 7:7E-1.5 and 5.2	<p>Added definitions of: "Administratively complete," "coastal zone," "complete for public comment," "complete for public hearing," "complete for review," "dredged material," "dredging," "duplex," "Federal consistency determination," "FEMA," "FIRM," "invasive plant species," "mitigation area," "mitigation bank," "mooring," "NOAA," "non-porous cover," "non-waterward side of development," "sewer service area," "site plan" or "plan," "solar panel," "technically complete," "USACE," "USEPA," "USFWS," "USGS quad map," "water quality certificate," "waters of the State," "waters of the United States," and "working day"</p> <p>Modified:</p> <ul style="list-style-type: none"> • Introduction to definitions section • Replaced term "habitable structure" with the definition of "habitable" and modified definition • Replaced term "Program" with the "Division" and modified definition to reflect the Department's current organization • Replaced the definitions of "beach," "coastal bluff," and "dune" with reference to respective special area rules describing and defining these areas • Definitions of the following terms: "navigable," "Tidelands Map," "upland waterfront development area," "charitable conservancy," "excavation," "floating home," and "person" 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
Definitions (continued)		<p>Deleted: Definitions of "educational facility," "LURP (Land Use Regulation Program) application form," "'action,' 'activity,' 'project,' 'proposal' or 'use,'" "11-digit hydrologic unit code area," "natural area," and "watershed management area"</p> <p>Modified: Definition of amusement pier to include bars, restaurants, and other entertainment venues</p>			
7:7-1.6 Forms, checklists, information; Department address and website	7:7E-1.7	Modified: Substance of this section was previously codified at N.J.A.C. 7:7E-1.7 and modified to update contact information	July 6, 2015	July 6, 2015	
7:7-1.7 Liberal construction	7:7-1.10(a)	Recodified: No changes in text	July 6, 2015	July 6, 2015	
7:7-1.8 Severability	7:7-1.11 and 8.15 7:7E-1.3	Deleted: Existing multiple severability sections and replaced with a more comprehensive severability rule	July 6, 2015	July 6, 2015	
N/A	7:7-1.9	Repealed: Unnecessary section explaining how permit fees are established	July 6, 2015	July 6, 2015	

SUBCHAPTER 2. APPLICABILITY AND ACTIVITIES FOR WHICH A PERMIT IS REQUIRED

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
N.J.A.C. 7:7-2.1 When a permit is required	New	Added: An introductory section which provides that anyone undertaking a regulated activity subject to the CZM Rules must do so in accordance with a coastal permit; lists the types of permits the Department issues; and explains that certain activities are exempt from the requirement of obtaining a permit	July 6, 2015	July 6, 2015	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
N.J.A.C. 7:7-2.2 CAFRA	N.J.A.C. 7:7-2.1	Modified: <ul style="list-style-type: none"> • Consolidated language, made minor grammatical changes, and made changes to reflect the consolidation of the chapters • Updated citations, terminology, and cross-references 	July 6, 2015	July 6, 2015	
N.J.A.C. 7:7-2.3 Coastal wetlands	N.J.A.C. 7:7-2.2	Added: Dates of coastal wetlands maps base photography Modified: <ul style="list-style-type: none"> • Language of this section to refer to “coastal” wetlands • Relocated list of coastal wetlands maps to Appendix D Deleted: Reference to the Wetlands Order since content of Order has been incorporated into the rules and refined over the years; N.J.A.C. 7:7-2.2(c)	July 6, 2015	July 6, 2015	
N.J.A.C. 7:7-2.4 Waterfront development	N.J.A.C. 7:7-2.3	Added: <ul style="list-style-type: none"> • Explanation of New Jersey’s jurisdiction over riparian rights for various riparian improvements appurtenant to the eastern shore of the Delaware River within the 12-mile circle in accordance with the decree of the U.S. Supreme Court in <i>State of New Jersey v. State of Delaware</i>, 522 U.S. 597,623-24 (2008) • Submission requirements for an exemption request for the installation of certain wind turbines and solar panels Modified: Language to update language, terminology, correct grammar and citations, and reflect the consolidation of the coastal chapters	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
N.J.A.C. 7:7-2.5 Obtaining an applicability determination	N.J.A.C. 7:7-1.5(a)1 and 2	New: Establishes the requirements for seeking a written determination from the Department as to whether CAFRA, the Wetlands Act of 1970, and/or the Waterfront Development Law applies to a proposed development	July 6, 2015	July 6, 2015	

SUBCHAPTER 3. GENERAL PROVISIONS FOR PERMITS-BY-RULE, GENERAL PERMITS-BY-CERTIFICATION, AND GENERAL PERMITS

PBR= permit-by-rule; GPBC=general permit-by-certification; GP=general permit

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-3.1 Purpose and scope	New	Explains the purpose and scope of the subchapter	July 6, 2015	July 6, 2015	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
7:7-3.2 Standards for issuance, by rulemaking, of permits-by-rule, general permits-by-certification, and general permits	7:7-7.1	<p>Added: Reference to GPBC throughout section</p> <p>Modified:</p> <ul style="list-style-type: none"> • Heading of section to reflect change in scope • Reorganized section and made changes to wording to improve clarity; N.J.A.C. 7:7-3.2(a) through (e) • Replaced reference for opportunity for a public hearing when proposing rule changes to a PBR, GPBC, or GP with reference to providing an opportunity for public comment; formerly N.J.A.C. 7:7-7.1(b) <p>Deleted:</p> <ul style="list-style-type: none"> • N.J.A.C. 7:7-7.1(a), the introductory subsection which explained the scope of section since new N.J.A.C. 7:7-3.1(a) serves this purpose • N.J.A.C. 7:7-7.1(g) and (h) which linked the review and reissuance by rulemaking of PBRs and GPs to the 5-year sunset and readoption timeframes in the APA in response to legislative amendments • N.J.A.C. 7:7-7.1(i) which described the structure of former subchapter 7 	July 6, 2015	July 6, 2015	
7:7-3.3 Use of a permit-by-rule, or an authorization pursuant to a general permit-by-certification, or a general permit to conduct regulated activities	New	<p>Added:</p> <ul style="list-style-type: none"> • When an activity that meets the requirements of a PBR can be conducted • When an activity that meets the requirements of a GPBC can be conducted; • When an activity that meets the requirements of a GP can be conducted 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-3.3 (continued)		<ul style="list-style-type: none"> That a PBR or authorization under a GPBC or GP does not remove the obligation to obtain any other applicable permits or approvals required by law 			
7:7-3.4 Use of more than one permit on a single site	New	<p>Added:</p> <ul style="list-style-type: none"> A person may undertake a given regulated activity more than once on a single site, and that the activity may be authorized each time under a single PBR, or a single authorization under a GPBC or GP, provided the individual limits and conditions of the permit are not exceeded A person may undertake more than one regulated activity on a site, and the activities may be authorized under one or more PBRs, or authorizations under GPBC or GP, so long as the individual limits and conditions of each permit are not exceeded Once the limits and conditions of a given PBR, or of a GPBC, or of a GP have been met on a single site, no additional activities may be authorized under that particular permit on that site, regardless of how much time passes or whether the site is subdivided or transferred to a new owner Any PBR or authorization under a GPBC may be used in combination with an individual permit on a single site, while only three GPs may be combined with an individual permit on a single site 	July 6, 2015	July 6, 2015	
7:7-3.5 Duration of an authorization under a general permit-by-certification	New	<p>Added:</p> <ul style="list-style-type: none"> Term of authorization is 5 years from issuance date An authorization under a GPBC cannot be extended Where an authorization expires all regulated activities must cease Where person intended to continue regulated activities that were authorized under the GPBC, a new authorization is required 	July 6, 2015	July 6, 2015	
7:7-3.6 Duration of an authorization under a general permit for which an application was declared complex for review prior to July 6, 2015	7:7-7.3(k)	<p>Added: Introductory paragraph explaining applicability of section</p> <p>Modified:</p> <ul style="list-style-type: none"> Language of former N.J.A.C. 7:7-7.3(k) to reflect new codification Emphasizes that if construction under an authorization did not commence prior to the expiration of the authorization, then a new authorization is required to commence activities 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-3.7 Duration of an authorization under a general permit for which an application is deemed complete for review on or after July 6, 2015	New	Added: <ul style="list-style-type: none"> • Introductory language explaining applicability of section • Term of authorization is 5 years from issuance date • 5-year term may be extended one time for 5 years • Requires all regulated activities to cease is the authorization expires • Sets forth procedure for commencing or continuing regulated activities after an authorization has expired 	July 6, 2015	July 6, 2015	
7:7-3.8 Conditions applicable to a permit-by-rule, or to an authorization pursuant to a general permit-by-certification or a general permit	7:7-7.1(e)1	Added: Requirement that a person conducting regulated activities under a PBR, GPBC, or GP must comply with the conditions set forth in the permit as well as the conditions that apply to all permits at N.J.A.C. 7:7-27.2 Modified: Provision at former N.J.A.C. 7:7-7.1(e)1 to clarify that the Department may establish additional conditions in a GP authorization on a case-by-case basis to ensure the authorized activity meets the CZM rules and its enabling statutes	July 6, 2015	July 6, 2015	

SUBCHAPTER 4. PERMITS-BY-RULE

PBR= permit-by-rule

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-4.1 through 20	7:7-7.2(a)1 and 3 through 21 7:7-7.2(b) and (c)	<p>General summary of changes to PBRs</p> <p>Modified: To facilitate restructuring of PBRs as sections within the new subchapter that do not change meaning</p> <p>Deleted: N.J.A.C. 7:7-7.2(b) and (c) - substance of these provisions relocated to N.J.A.C. 7:7-3.3(a)</p> <p>Note: Where changes to a PBR are limited to the above types of changes, no further summary appears below. These PBRs are denoted through shading of the entry.</p>	July 6, 2015	July 6, 2015	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
7:7-4.1 Permit-by-rule 1 – expansion of a single family home or duplex	7:7-7.2(a)1	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.2 Permit-by-rule 2 – development of a single-family home or duplex and/or accessory development on a bulkheaded lagoon lot	7:7-7.2(a)2	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.3 Permit-by-rule 3 – placement of public safety or beach/dune ordinance signs on beaches or dunes and placement of signs on beaches or dunes at public parks	7:7-7.2(a)5	<p>Modified: To clarify that only governmental entities can install signs at public parks</p>	July 6, 2015	July 6, 2015	
7:7-4.4 Permit-by-rule 4 – construction of nonresidential docks, piers, boat ramps, and decks located landward of mean high water line	7:7-7.2(a)5	<p>Added: Provision that PBR does not authorize construction of boat ramps in wetlands</p> <p>Modified: To clarify that the construction of a nonresidential deck under the PBR must be located landward of the mean high water line</p>	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-4.5 Permit-by-rule 5 – reconstruction of portion of a recreational dock or pier located landward of mean high water line	7:7-7.2(a)6	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.6 Permit-by-rule 6 – reconstruction of a residential or commercial development within the same footprint	7:7-7.2(a)7	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.7 Permit-by-rule 7 – expansion or relocation (with or without expansion) landward or parallel to the mean high water line of the footprint of a residential or commercial development	7:7-7.2(a)8	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.8 Permit-by-rue 8 – construction of a utility line attached to a bridge or culvert	7:7-7.2(a)9	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.9 Permit-by-rule 9 – previous filling of tidelands associated with an existing single family home or duplex	7:7-7.2(a)10	Deleted: Reference to the adoption of the Tidelands Map and the date of the base map photography since included in definition of Tidelands Map at N.J.A.C. 7:7-1.5	July 6, 2015	July 6, 2015	
7:7-4.10 Permit-by-rule 10- construction of portion of a boat ramp located landward of the mean high water line at a residential development	7:7-7.2(a)11	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.11 Permit-by-rule 11 – construction and/or installation of a boat wash wastewater system at a marina, boatyard, or boat sales facility	7:7-7.2(a)12	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-4.12 Permit-by-rule 12 – construction of one to three wind turbines less than 200 feet in height having a cumulative rotor swept area no greater than 2,000 square feet	7:7-7.2(a)13	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.13 Permit-by-rule 13 – installation of solar panels on a maintained lawn or landscaped area at a single family home or duplex	7:7-7.2(a)14	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.14 Permit-by-rule 14 – reconfiguration of any legally existing dock, wharf, or pier at a legally existing marina	7:7-7.2(a)15	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.15 Permit-by-rule 15 – placement of sand fencing to crate or sustain a dune	7:7-7.2(a)16	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.16 Permit-by-rule 16 – placement of land-based upwellers and raceways for aquaculture activities	7:7-7.2(a)17	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.17 Permit-by-rule 17 – placement of predator screens and oyster spat attraction devices within a shellfish lease area	7:7-7.2(a)18	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.18 Permit-by-rule 18 – placement of shellfish cages within a shellfish lease area	7:7-7.2(a)19	See general summary above	July 6, 2015	July 6, 2015	
7:7-4.19 Permit-by-rule 19 – construction and/or installation of a pumpout facility and/or pumpout support facilities	7:7-7.2(a)20	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-4.20 Permit-by-rule 20 – implementation of a sediment sampling plan for sampling in a water areas as part of a dredging or dredged material management activity or as part of a remedial investigation of a contaminated site	7:7-7.2(a)21	Modified: Replaced reference to the Department's dredging technical manual with Appendix G reflecting inclusion of manual as a regulatory appendix	July 6, 2015	July 6, 2015	
7:7-7.21 Permit-by-rule 21 – application of pesticide within coastal wetlands to control invasive plant species	New	Added: <ul style="list-style-type: none"> • Limits application of pesticide within coastal wetlands to control invasive plant species to area not to exceed a total area of one-quarter acre on a site • Requires activity must not adversely affect habitat for threatened or endangered wildlife or plant species • If activity is conducted in waters of the State or waters of the United states an aquatic pesticide permit is required 	July 6, 2015	July 6, 2015	
7:7-4.22 Permit-by-rule 22- reconstruction of a swimming pool, spa or hot tub and associated decking on a bulkheaded lot without wetlands	New	Added: <ul style="list-style-type: none"> • Authorizes construction on a lot with a legally existing, functioning bulkhead along the entire waterfront portion of the site and no wetlands are located landward of the bulkhead • No excavation, grading, or filling of a beach or dune • 15-foot setback for pool, spa or hot tub from the waterward face of the bulkhead • Limits footprint of pool, spa or hot tub at residential development to a cumulative total of 750 square feet from July 6, 2015 forward (excludes decking) • Limits footprint of pool, spa, hot tub, and decking at development other than residential to cumulative total of 750 square feet from July 6, 2015 forward • Backwash system cannot discharge to adjacent waterbody • Requires silt fence to be maintained until activities are completed • All subgravel liners must be filter cloth or other permeable material 	July 6, 2015	July 6, 2015	

SUBCHAPTER 5. GENERAL PERMITS-BY-CERTIFICATION

GPBC= general permit-by-certification

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-5.1 and 5.2	New	Added: New type of permit modeled after the Department's air, water, and underground storage tank electronic permitting programs; the Division of Land Use Regulation System now allows for the electronic submission and processing of certain applications through a GPBC. The tight limitations on the activity or activities that can be authorized enable the automated issuance of an approval or rejection because there is no need for a case-by-case evaluation of whether the particular proposed manner of conducting the activity meets the conditions of the GPBC; the applicant certifies that it does.	July 6, 2015	July 6, 2015	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
7:7-5.1 General permit-by-certification 10 – reconstruction of a legally existing functioning bulkhead in-place or upland of a legally existing functioning bulkhead	New	Added: <ul style="list-style-type: none"> • Authorizes reconstruction of a legally existing functioning bulkhead in-place or upland of a legally existing functioning bulkhead provided that the replacement bulkhead is upland of any wetlands • Bulkhead must be designed and certified by NJ licensed engineer where bulkhead is located in a V zone • Bulkhead cannot create net adverse shoreline movement or impact special areas • Clean fill from an upland source must be used as backfill 	July 6, 2015	July 6, 2015	
7:7-5.2 General permit-by-certification 15 – construction of piers, docks, including jet ski ramps, pilings, and boatlifts in man-made lagoons	New	Added: <ul style="list-style-type: none"> • Authorizes construction of piers, docks, including jet ski ramps, pilings, and boatlifts in man-made lagoons at single family home lots for recreational or non-commercial use • Structures cannot extend more than 20% of the width of the lagoon • Sets forth limitations on width and height of the structures, and configuration of docks • Structures cannot hinder navigation in lagoon or access to adjacent docks • Any wetlands disturbed during construction must be restored to pre-project conditions • Prescribes spacing requirements for planking • Requires oversized structures constructed prior to September 1978 be reduced in certain circumstances 	July 6, 2015	July 6, 2015	

SUBCHAPTER 6. GENERAL PERMITS

GP= general permit

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.1 through 6.31	7:7-7.5 through 7.36	<p>General summary of changes to GPs</p> <p>Modified:</p> <ul style="list-style-type: none"> • Changes reflect the consolidation of the coastal rules into a single chapter and its new organization • Title of each general permit is modified to include number for the general permit and deleted modifier “coastal” <p>Deleted:</p> <p>Specific additional information required to be submitted for each general permit. This information has been relocated to either the application requirements for an authorization under a GP or to an application checklist</p> <p>Note: Where changes to a recodified GP are limited to the above types of changes, no further summary appears below. These GPs are denoted through shading of the entry.</p>	July 6, 2015	July 6, 2015	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
7:7-6.1 General permit 1 – amusement pier expansion	7:7-7.5	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.2 General permit 2 – beach and dune management activities	7:7-7.6	<p>Modified:</p> <p>Cross-reference to the rules regarding routine beach maintenance, emergency post-storm beach restoration, and dune creation and maintenance</p>	July 6, 2015	July 6, 2015	
7:7-6.3 General permit 3 – voluntary reconstruction of certain residential or commercial developments	7:7-7.7	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.4 General permit 4 – development of one or two single family homes or duplexes	7:7-7.8	<p>Added:</p> <ul style="list-style-type: none"> • Requirement that construction of 2 single family homes or duplexes comply with the filled water's edge rule at N.J.A.C. 7:7-9.23(e) with respect to historic water dependent uses • Requirement that conservation restrictions comply with new N.J.A.C. 7:7-18, Conservation restrictions <p>Modified: To facilitate the change in the scope of GP from one to 2 single family homes or duplexes, various references are revised</p>	July 6, 2015	July 6, 2015	
7:7-6.5 General permit 5 – expansion, or reconstruction (with or without expansion) of a single family home or duplex	7:7-7.9	<p>Added: Requirement that conservation restrictions comply with new N.J.A.C. 7:7-18, Conservation restrictions</p> <p>Modified: Replaced Department's contact information with cross-reference to N.J.A.C. 7:7-1.6</p>	July 6, 2015	July 6, 2015	
7:7-6.6 General permit 6 – construction of a bulkhead and placement of associated fill on a man-made lagoon	7:7-7.10	<p>Modified: Allows the use of dredged material removed as part of the bulkhead installation to be used as backfill provided the material meets the criteria for structural or non-structural fill and is managed in accordance with the best management practices set forth in Appendix G</p>	July 6, 2015	July 6, 2015	
7:7-6.7 General permit 7 – construction of a revetment at a single-family home or duplex	7:7-7.11	<p>See general summary above</p>	July 6, 2015	July 6, 2015	
7:7-6.8 General permit 8 – construction of gabions at a single family/duplex lot	7:7-7.12	<p>See general summary above</p>	July 6, 2015	July 6, 2015	
7:7-6.9 General permit 9 – construction of support facilities at legally existing and operating marinas	7:7-7.13	<p>Added: Provision that nothing in the GP shall be construed to relieve a marina from compliance with applicable requirements of other State or local agencies</p> <p>Deleted:</p> <ul style="list-style-type: none"> • Requirement that restrooms provide both hot and cold water and be maintained in a sanitary, warm, dry, brightly lit, and well ventilated condition • Requirement to provide trash receptacles and fish cleaning areas 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.10 General permit 10 – reconstruction of a legally existing functioning bulkhead	7:7-7.14	<p>Modified: Allows the use of dredged material removed as part of the bulkhead installation to be used as backfill provided the material meets the criteria for structural or non-structural fill and is managed in accordance with the best management practices set forth in Appendix G</p> <p>Deleted: Requirement that bulkhead construction in V zones include a splash pad on the landward side</p>	July 6, 2015	July 6, 2015	
7:7-6.11 General permit 11 – investigation, cleanup, removal, or remediation of hazardous substances	7:7-7.15	<p>Modified:</p> <ul style="list-style-type: none"> • Terminology amended to reflect the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq., by recognizing that remediation activities conducted under the GP may be approved by either the Department or a Licensed Site Remediation Professional (LSRP) • Provisions addressing mitigation for impacts to special areas and wetlands were modified to include cross-reference to new mitigation subchapter 	July 6, 2015	July 6, 2015	
7:7-6.12 General permit 12 – landfall of utilities	7:7-7.16	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.13 General permit 13 – construction of recreational facilities at public parks	7:7-7.17	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.14 General permit 14 – bulkhead construction and placement of associated fill at a single-family home or duplex	7:7-7.18	<p>Modified: Allows the use of dredged material removed as part of the bulkhead installation to be used as backfill provided the material meets the criteria for structural or non-structural fill and is managed in accordance with the best management practices set forth in Appendix G</p> <p>Deleted: Requirement that bulkhead construction in V zones include a splash pad on the landward side</p>	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.15 General permit 15 – construction of piers, docks, including jet ski ramps, pilings, and boatlifts, in man-made lagoons	7:7-7.19	Modified: Prescriptive plank spacing requirements to allow for an alternative dock design (alternative materials and/or configuration) provided that alternative design allows for equal or greater sunlight penetration as docks constructed of planking and configured as prescribed in the GP	July 6, 2015	July 6, 2015	
7:7-6.16 General permit 16 – minor maintenance dredging in man-made lagoons	7:7-7.20	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.17 General permit 17 – stabilization of eroded shorelines	7:7-7.21	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.18 General permit 18 – avian nesting structures	7:7-7.22	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.19 General permit 19 – modification of existing electrical substations	7:7-7.23	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.20 General permit 20 – legalization of the filling of tidelands	7:7-7.24	Deleted: Reference to the adoption of the Tidelands Map and the date of the base map photography	July 6, 2015	July 6, 2015	
7:7-6.21 General permit 21 – construction of telecommunication towers	7:7-7.25	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.22 General permit 22 – construction of certain structures related to the tourism industry at hotels and motels commercial development, and multi-family residential developments over 75 units	7:7-7.26	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.23 General permit 23 – geotechnical survey borings	7:7-7.27	<p>Added: Requirement that soil borings for remedial investigation be permitted, constructed, and completed in accordance with the Department's Well Construction and Maintenance; Sealing of Abandoned Well rules at N.J.A.C. 7:9D</p> <p>Modified:</p> <ul style="list-style-type: none"> • Updated the cross-reference to the Department's Technical Requirements for Site Remediation rules for conducting remedial investigations • Updated the name of the Site Remediation Program reflecting current Department organization • Clarified that any impact, either potential or actual, must be reported to the Department's Site Remediation Program and that this information additionally be reported to the LSRP of record assigned to the case, if applicable • Replaced term "sealing" with decommissioning 	July 6, 2015	July 6, 2015	
7:7-6.24 – General permit 24 – habitat creation, restoration, enhancement, and living shoreline activities	7:7-7.29	<p>Modified: Replaced reference to "Coastal Zone Management rules" with "this chapter" reflecting consolidation of coastal rules</p> <p>Deleted Reference to the adoption of the Tidelands Map and the date of the base map photography</p>	July 6, 2015	July 6, 2015	
7:7-6.25 General permit 25 – construction of one to three wind turbines less than 200 feet in height and having a cumulative rotor swept area no greater than 4,000 square feet	7:7-7.30	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.26 General permit 26 – construction of wind turbines less than 250 feet in height and having a cumulative rotor swept area no greater than 20,000 square feet	7:7-7.31	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.27 General permit 27 – dredging sand from a man-made lagoon deposited as a result of event for which the Governor declared a State of Emergency	7:7-7.32	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.28 General permit 28 – dredging material from a waterway at a residential or commercial development deposited as a result of the failure of a bulkhead as a consequence of a storm event for which the Governor declared a State of Emergency	7:7-7.33	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.29 General permit 29– dredging and management of material from a marina deposited as a result of a storm event for which the Governor declared a State of Emergency	7:7-7.34	Modified: <ul style="list-style-type: none"> • To facilitate the consolidation of the coastal rules into a single chapter • Provision addressing final placement site of the dredged material to provide that Department will make an acceptable use determination (AUD) for the beneficial use of the dredged material in accordance with Appendix G 	July 6, 2015	July 6, 2015	
7:7-6.30 General permit 30 – commercial shellfish aquaculture activities	7:7-7.35	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-6.31 General permit 31 – placement of shell within shellfish lease areas	7:7-7.36	See general summary above	July 6, 2015	July 6, 2015	
7:7-6.32 General permit 32 – application of pesticides within coastal wetlands to control invasive plant species	New	<ul style="list-style-type: none"> • Authorizes application of pesticide within coastal wetlands to control invasive plant species on an area of coastal wetlands greater than one-quarter acre in size • Requires activity must not adversely affect habitat for threatened or endangered wildlife or plant species • Prohibits application on areas containing significant stands of high vigor Saltmarsh, Wildrice, Cattail, and Common threesquare • If activity is conducted in waters of the State or waters of the United States, an aquatic pesticide permit is required 	July 6, 2015	July 6, 2015	

SUBCHAPTER 7. LONG BRANCH REDEVELOPMENT ZONE PERMIT

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-7 Long Branch redevelopment Zone Permit	7:7-7.4	<p>The 1993 amendments to CAFRA called for coordination between the CAFRA rules with the State Development and Redevelopment Plan in the CAFRA area. As a first step in this coordination, the Department adopted a special CAFRA permit applicable only to the City of Long Branch, Monmouth County. The permit simplifies the CAFRA permitting process within the Redevelopment Zone by combining the State and municipal review if the proposed development.</p> <p>The permit authorizes the construction of CAFRA regulated developments within the City's Redevelopment Zone provided the development is consistent with the City's Redevelopment Plan Ordinance and the City's Design Guidelines Ordinance. The Department participated in the Development of the Design Guideline Ordinance in order to ensure that it is consistent with the CZM rules.</p>	February 17, 1998	February 17, 1998	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
7:7-7.1 Applicability; permit conditions	7:7-7.4(a) through (g)	Modified: Wording, codifications, and cross-references to reflect consolidation of coastal rules and to facilitate codification of the permit in its own section that do not affect meaning	July 6, 2015	July 6, 2015	
7:7-7.2 Notification to the Department regarding developments requiring planning board approval	7:7-7.4(h)	Modified: Wording, codifications, and cross-references to reflect consolidation of coastal rules and to facilitate codification of the permit in its own section that do not affect meaning	July 6, 2015	July 6, 2015	
7:7-7.3 Notification to the Department regarding developments not requiring planning board approval	7:7-7.4(i)	Modified: Wording, codifications, and cross-references to reflect consolidation of coastal rules and to facilitate codification of the permit in its own section that do not affect meaning	July 6, 2015	July 6, 2015	
7:7-7.4 Publication of notice of Department's decision that Long Branch Redevelopment Zone Permit is or is not applicable to development	7:7-7.4(h), (i), and (j)	Modified: Language to reflect the restructuring of the subchapter	July 6, 2015	July 6, 2015	
7:7-7.5 Requests for adjudicatory hearings	7:7-7.4(k) and (l)	Modified: Replaces specific requirements for requesting an adjudicatory hearing with a cross-reference to the hearing request provisions at N.J.A.C. 7:7-28	July 6, 2015	July 6, 2015	

SUBCHAPTER 8. INDIVIDUAL PERMITS

PBR= permit-by-rule; GPBC=general permit-by-certification; GP=general permit

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-8.1 Requirement to obtain an individual permit	New	Individual permit must be obtained if the regulated activity does not meet the requirements for a PBR, or authorization under a GPBC or GP	July 6, 2015	July 6, 2015	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9
7:7-8.2 Duration of an individual permit	7:7-1.5(c)	<p>Added: Provision that addresses the situation where an individual permit has expired and the person conducting the regulated activity intends to commence or continue the regulated activities that had been authorized under the expired permit</p> <p>Modified:</p> <ul style="list-style-type: none"> • Individual permit for any activity waterward of the mean high water line is valid for 5 years from the date of issuance and may be extended one time for 5 years • Refined provision that enables permit for activities located landward of the mean high water line to continue to be valid for 10 years from issuance in 2 situations: (1) where construction has not commenced within 5 years of permit issuance due to circumstances beyond the permittee's control; and (2) where construction has commenced but will cease for a cumulative period of one year or longer due to circumstances beyond the permittee's control. If construction does not commence before the end of the 10-year period or does not, after ceasing, re-commence before the end of the 10-year period, then the permit expires 	July 6, 2015	July 6, 2015	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
7:7-8.3 Conditions applicable to an individual permit	New	<p>Added:</p> <ul style="list-style-type: none"> • A person conducting regulated activities pursuant to an individual permit must comply with the conditions set forth in the permit as well as the conditions applicable to all permits at N.J.A.C. 7:7-27.2 • The Department may establish conditions in an individual permit as required on a case-by-case basis to ensure the authorized activity meets the requirements of the CZM Rules 	July 6, 2015	July 6, 2015	

SUBCHAPTER 9. SPECIAL AREAS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9 Special areas	7:7E-3	<p>General summary of changes</p> <p>Modified: To reflect the consolidation of the coastal rules into one chapter and its new structure</p> <p>Deleted: All references to figures located in Appendix 1 within the prior rules at N.J.A.C. 7:7E-3</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry.</p>	July 6, 2015	July 6, 2015	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
7:7-9.1 Purpose and scope	7:7E-3.1	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.2 Shellfish habitat	7:7E-3.2	<p>Added:</p> <ul style="list-style-type: none"> • Standards allowing for the expansion of an existing, operating commercial marina and construction of a new infill commercial marina (new marina must be located between two legally existing marinas, where the distance between the two nearest adjacent existing legal docks or piers of each marina is no more than 500 feet) • Limits number of locations and situations under which an existing marina may be expanded • Requires adequate water depths and prohibits dredging in conjunction with construction and operation of the marina • Requires use of non-polluting materials • Requires on-site restrooms and pumpout facility • Requires monetary contribution to the Department's dedicated account for shellfish habitat mitigation <p>Modified:</p> <ul style="list-style-type: none"> • Definition to clarify that shellfish habitat includes both areas which currently support shellfish production and areas that have a history of production of shellfish • Updated title of the Final Short List to reflect current name "List of Water Quality Segments or 303(d) list" and Federal Clean Water Act citation 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9.2 (continued)		<ul style="list-style-type: none"> List of exceptions to the prohibition to include the expansion of existing marinas and construction of new marinas in limited infill situations Relocated mitigation requirements to new mitigation subchapter, N.J.A.C. 7:7-17 Updated cited statistics in rationale and included rationale for changes allowing for expansion of existing, and construction of new infill marinas 			
7:7-9.3 Surf clam areas	7:7E-3.3	Modified: Rationale statement to reflect 2011 surf clam landings and values	July 6, 2015	July 6, 2015	
7:7-9.4 Prime fishing areas	7:7E-3.4	Modified: Rationale statement to reflect 2011 statistics	July 6, 2015	July 6, 2015	
7:7-9.5 Finfish migratory pathways	7:7E-3.5	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.6 Submerged vegetation habitat	7:7-3.6	Modified: <ul style="list-style-type: none"> Acceptability conditions for new and maintenance dredging to include a cross-references to the definition of new and maintenance dredging, respectively Relocated mitigation requirements to new mitigation subchapter, N.J.A.C. 7:7-17 	July 6, 2015	July 6, 2015	
7:7-9.7 Navigation channels	7:7E-3.7	Added: Acceptability standards for new and maintenance dredging of navigation channels	July 6, 2015	July 6, 2015	
7:7-9.8 Canals	7:7E-3.8	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.9 Inlets	7:7E-3.9	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.10 Marina moorings	7:7E-3.10	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.11 Ports	7:7E-3.11	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.12 Submerged infrastructure routes	7:7E-3.12	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.13 Shipwreck and artificial reef habitats	7:7E-3.13	Modified: <ul style="list-style-type: none"> To update listing of known shipwrecks or artificial reefs Rationale updated to reflect deployment of new artificial reef in 2005 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9.14 Wet borrow pits	7:7E-3.14	<p>Modified:</p> <ul style="list-style-type: none"> • Replace reference to “Section 401 of Clean Water Act” with “water quality certificate” • To allow the use of dredged material as fill in the reclamation of wet borrow pits for the purposes of construction in certain circumstances • Rationale to recognize the beneficial use of dredged material in the reclamation of wet borrow pits <p>Deleted:</p> <ul style="list-style-type: none"> • Reference to N.J.S.A. 58:10A et seq. • Provision that discouraged the use of wet borrow pits as dredged material disposal areas within the State 	July 6, 2015	July 6, 2015	
7:7-9.15 Intertidal and subtidal shallows	7:7E-3.15	<p>Modified:</p> <ul style="list-style-type: none"> • To include cross-reference to definition of new dredging for purposes of clarity • Relocated mitigation requirements to new mitigation subchapter, N.J.A.C. 7:7-17 	July 6, 2015	July 6, 2015	
7:7-9.16 Dunes	7:7E-3.16	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.17 Overwash areas	7:7E-3.17	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.18 Coastal high hazard areas	7:7E-3.18	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.19 Erosion hazard areas	7:7E-3.19	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.20 Barrier island corridor	7:7E-3.20	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.21 Bay islands	7:7E-3.21	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.22 Beaches	7:7E-3.22	<p>Modified:</p> <p>Example of acceptable activities on beaches concerning beach maintenance activities which do not adversely affect the natural functioning of the beach and dune system and which do not preclude the development of a stable dune along the back beach area to include a cross-reference to the beach and dune maintenance standards at N.J.A.C. 7:7-10</p>	July 6, 2015	July 6, 2015	
7:7-9.23 Filled water’s edge	7:7E-3.23	<p>Added:</p> <ul style="list-style-type: none"> • Provision describing how to determine the extent of a filled water’s edge area • Provision allowing for the construction of a restaurant at a marina with 25 or more wet dockage units consisting of either wet or dry slips provided it meets the requirements at N.J.A.C. 7:7-15.3(d)8 (See discussion at N.J.A.C. 7:7-15.3(d)8) 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9.23 (continued)		Modified: <ul style="list-style-type: none"> • Definition of filled water's edge area to clarify that these areas are existing filled water, wetlands, or upland areas lying between wetlands or water areas and either the upland limit of fill or the first paved public road or railroad landward of the adjacent water areas, whichever is closer to the water • Rationale for accuracy with respect to marinas 			
7:7-9.24 Existing lagoon edges	7:7E-3.24	Modified: Replaced reference to requirements at N.J.A.C. 7:7E-5A and 5B with 7:7-13	July 6, 2015	July 6, 2015	
7:7-9.25 Flood hazard areas	7:7E-3.25	Modified: <ul style="list-style-type: none"> • To allow for the construction of one or 2 single family homes or duplexes within an undeveloped portion of a flood hazard area that is within 100 feet of a navigable water body consistent with the State's Flood Hazard Area Control Act Rules • Replaced reference to the requirements at N.J.A.C. 7:7E-5A and 5B with 7:7-13 reflecting the consolidation of the impervious cover requirements into a single subchapter • Rationale to address the change concerning the development of one or 2 single family homes or duplexes within the undeveloped flood hazard area 	July 6, 2015	July 6, 2015	
7:7-9.26 Riparian zones	7:7E-3.26	Added: Provision allowing for the construction of a restaurant at a marina with 25 or more wet dockage units consisting of either wet or dry slips provided it meets the requirements at N.J.A.C. 7:7-15.3(d)8 (See discussion at N.J.A.C. 7:7-15.3(d)8)	July 6, 2015	July 6, 2015	
7:7-9.27 Wetlands	7:7E-3.27	Modified: <ul style="list-style-type: none"> • Note concerning availability of the cited maps from the sales office due to the elimination of that office • Excepted from the prohibition of development in wetlands the establishment of living shorelines • Standards for the use of former dredged material management areas where wetlands have been established to remove the 10-year limitation • Standards concerning the construction or reconstruction of sound dikes or berms to require that the structures be designed by a NJ licensed profession engineers and be performed in accordance with Appendix G 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9.27 (continued)		Relocated mitigation requirements to N.J.A.C. 7:7-17			
7:7-9.28 Wetlands buffers	7:7-3.28	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.29 Coastal bluffs	7:7-3.31	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.30 Intermittent stream corridors	7:7E-3.32	Deleted: Description of the prohibited activities that would directly degrade the function of intermittent stream corridors since these resources are protected under the State's Flood Hazard Area Control Act Rules and/or Freshwater Wetlands Protection Act Rules	July 6, 2015	July 6, 2015	
7:7-9.31 Farmland conservation areas	7:7E-3.33	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.32 Steep slopes	7:7E-3.34	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.33 Dry borrow pits	7:7E-3.35	Modified: To allow dredged material that meets the standards contained in Appendix G to be used as fill Rationale to recognize the beneficial use of dredged material of the appropriate grain size in the reclamation of dry borrow pits	July 6, 2015	July 6, 2015	
7:7-9.34 Historic and archaeological resources	7:7E-3.36	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.35 Specimen trees	7:7E-3.37	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.36 Endangered or threatened wildlife or plant species habitats	7:7E-3.38	Modified: Department address used to obtain information concerning endangered or threatened wildlife species habitat and the occurrence of endangered or threatened plant species	July 6, 2015	July 6, 2015	
7:7-9.37 Critical wildlife habitats	7:7E-3.39	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.38 Public open space	7:7E-3.40	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.39 Special hazard areas	7:7E-3.41	Modified: Replaced reference to the Department's Division of Solid and Hazardous Waste to reflect current Department organization	July 6, 2015	July 6, 2015	
7:7-9.40 Excluded federal lands	7:7E-3.42	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.41 Special urban areas	7:7E-3.43	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.42 Pinelands National Reserve and Pinelands Protection Area	7:7E-3.44	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.43 Hackensack Meadowlands District	7:7E-3.45	See general summary above	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9.44 Wild and scenic river corridors	7:7E-3.46	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.45 Geodetic reference control marks	7:7E-3.47	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.46 Hudson River waterfront area	7:7E-3.48	See general summary above	July 6, 2015	July 6, 2015	
7:7-9.47 Atlantic City	7:7E-3.49	<p>Deleted:</p> <ul style="list-style-type: none"> • Reference to marina development standards at N.J.A.C. 7:7E-7.3A as these standards were repealed effective July 6, 2015 • Requirement that elevated pedestrian bridges must be connected to an existing pier <p>Modified:</p> <ul style="list-style-type: none"> • Limitation that there be no more than one pedestrian bridge per pier changed to no more than one pedestrian bridge per casino-hotel • Added exception to the requirement for a corridor from the right of way to the Boardwalk for existing pedestrian bridges on the 2008 Atlantic City tax duplicate; changed corridor requirements so that the corridor must be equal to the right-of-way width and 50 feet in height. 	July 6, 2015	July 6, 2015	
		<p>Deleted:</p> <ul style="list-style-type: none"> • Exception to rule for certain signage <p>Modified:</p> <ul style="list-style-type: none"> • Provision prohibiting development on certain street ends (instead discourages development) • Updated year of tax duplicate cited • Replaced some protected street ends with alternate protected street ends • Amended list of street ends where development is conditionally acceptable, replacing previously listed streets. List changed from 6 streets to 5 streets 	January 13, 2010	June 7, 2010	
7:7-9.48 Lands and waters subject to public trust rights	7:7E-3.50	The NJCMP is not submitting the public access rule for incorporation into the NJCMP as an enforceable policy at this time. The NJCMP will be submitting the public access rule under a separate program change.			

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-9.49 Dredged material management areas	New	Added: <ul style="list-style-type: none"> • Defines special area • Addresses the development of a dredged material management area which results in a change of land use • Encourages the beneficial use of dredged material from a dredged material management area provided environmental impacts are minimized 	July 6, 2015	July 6, 2015	

SUBCHAPTER 10. STANDARDS FOR BEACH AND DUNE ACTIVITIES

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-10 Standards for beach and dune maintenance activities	7:7E-3A	<p>General summary of changes</p> <p>Modified: To facilitate the combining of the coastal rules into one chapter</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry.</p>	July 6, 2015	July 6, 2015	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
7:7-10.1 Purpose and scope	7:7E-3A.1	See general summary above	July 6, 2015	July 6, 2015	
7:7-10.2 Standards applicable to routine beach maintenance	7:7E-3A.2	See general summary above	July 6, 2015	July 6, 2015	
7:7-10.3 Standards applicable to emergency post-storm beach restoration	7:7E-3A.3	<p>Modified: 1:3 ratio to clarify that the ratio refers to a slope that shall not exceed one vertical to three horizontal</p>	July 6, 2015	July 6, 2015	
7:7-10.4 Standards applicable to dune creation and maintenance	7:7E-3A.4	See general summary above	July 6, 2015	July 6, 2015	
7:7-10.5 Standards applicable to dune creation and maintenance	7:7E-3A.5	See general summary above	July 6, 2015	July 6, 2015	

SUBCHAPTER 11. 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

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-11 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	7:7E-3C	<p>General summary of changes</p> <p>Modified: Each section to facilitate the combining of the coastal rules into one chapter</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry.</p>	July 6, 2015	July 6, 2015	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
7:7-11.1 Purpose and scope	7:7E-3C.1	See general summary above	July 6, 2015	July 6, 2015	
7:7-11.2 Standards for conducting endangered or threatened wildlife or plant species habitat assessment	7:7E-3C.2	See general summary above	July 6, 2015	July 6, 2015	
7:7-11.3 Standards for conducting endangered or threatened wildlife or plant species habitat evaluation	7:7E-3C.3	See general summary above	July 6, 2015	July 6, 2015	
7:7-11.4 Standards for reporting the results of impact assessment and habitat evaluations	7:7E-3A.4	See general summary above	July 6, 2015	July 6, 2015	

SUBCHAPTER 12. GENERAL WATER AREAS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-12 General water areas	7:7E-3A	<p>General summary of changes</p> <p>Modified: To reflect the consolidation of the coastal rules into one chapter and its new structure</p> <p>Deleted: All references to figures within the prior rules at N.J.A.C. 7:7E</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry.</p>	July 6, 2015	July 6, 2015	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
7:7-12.1 Purpose and scope	7:7E-4.1	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.2 Shellfish aquaculture	7:7E-4.2	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.3 Boat ramps	7:7E-4.3	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.4 Docks and piers for cargo and commercial fisheries	7:7E-4.4	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.5 Recreational docks and piers	7:7E-4.5	<p>Added: Provision at N.J.A.C. 7:7-12.5(b)5 that requires that a dock, pier, or boat mooring associated with a lot that has frontage on a man-made lagoon be located on the man-made lagoon, unless doing so would not comply with other provisions in the section and chapter</p> <p>Modified:</p> <ul style="list-style-type: none"> • Provision at N.J.A.C. 7:7-12.5(b)6 to allow for flexibility in dock design provided the dock design allows for equal or greater sunlight penetration as docks constructed as prescribed in this paragraph. • Rule rationale to reflect changes 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-12.6 Maintenance dredging	7:7E-4.6	<p>Added: Provision at N.J.A.C. 7:7-12.6(b) requiring maintenance dredging and management of the dredged material to be conducted in accordance with Appendix G.</p> <p>Modified:</p> <ul style="list-style-type: none"> • Definition of maintenance dredging to add “periodic” removal of sediment and emphasize safe navigation • Acceptable proofs that a project is maintenance dredging to add flexibility • Standards for natural and manmade waterways to apply same standards to both types of waters • To require proposed water depth to be the same as a previous dredging operation or historical water depth • Replaced requirement that area be currently used for navigation or dredged within ten years with requirement that area has been historically used for navigation • Pre-dredging chemical and physical analysis updated with examples and references to Appendix G and Surface Water and Ground Water Quality Standards; added how the Department will make an acceptable use determination for beneficial use of dredged material • Rule rationale to reflect the changes above <p>Deleted:</p> <ul style="list-style-type: none"> • Exceptions to the prohibition on reprofiling anywhere outside of the NY/NJ Harbor Area • Description of the dredging technical manual because the content of the manual is incorporated into Appendix G 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-12.7 New dredging	7:7E-4.7	<p>Added: Provision at N.J.A.C. 7:7-12.7(b) requiring new dredging and the management of the dredged material to be conducted in accordance with Appendix G.</p> <p>Modified:</p> <ul style="list-style-type: none"> • Definition of new dredging to remove “environmental dredging” and replace with citation of new environmental dredging rule (N.J.A.C. 7:7-12.8), and to specify that displacement of sediment for installation of submerged pipelines and cables is considered new dredging • Pre-dredging chemical and physical analysis updated with examples and references to Appendix G and Surface Water and Ground Water Quality Standards; added how the Department will make an acceptable use determination for beneficial use of dredged material • Term “slurry or decant water overflows” replaced with “discharges from dredged material management areas” • Removed examples of mechanical dredges and reworded language concerning the dredging of highly contaminated sediment • Numerical representation of allowed slope for berms- changed from numerical to verbal • Rule rationale to reflect changes above <p>Deleted: Description of the dredging technical manual because the content of the manual is incorporated into Appendix G</p>	July 6, 2015	July 6, 2015	
7:7-12.8 Environmental dredging	New	<p>Added:</p> <ul style="list-style-type: none"> • Definition of environmental dredging • Conditions for conducting environmental dredging • Rationale 	July 6, 2015	July 6, 2015	
7:7-12.9 Dredged material disposal	7:7E-4.8	<p>Modified:</p> <ul style="list-style-type: none"> • Definition of dredged material disposal to explicitly exclude beneficial use of dredged material in habitat creation activities • Requirements to include Appendix G and most current USEPA and USACE documents • Terminology to include new term/special area “dredged material management area” <p>Deleted:</p> <ul style="list-style-type: none"> • Description of the dredging technical manual 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-12.10 Solid waste or sludge dumping	7:7E-4.9	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.11 Filling	7:7E-4.10	Modified: <ul style="list-style-type: none"> • Replaced mitigation requirements with reference to new N.J.A.C. 7:7-17, Mitigation • Incorporated Appendix G for acceptable use determination guidelines 	July 6, 2015	July 6, 2015	
7:7-12.12 Mooring	7:7E-4.11	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.13 Sand gravel mining	7:7E-4.12	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.14 Bridges	7:7E-4.13	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.15 Submerged pipelines	7:7E-4.14	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.16 Overhead transmission lines	7:7E-4.15	Modified: Rule rationale	July 6, 2015	July 6, 2015	
7:7-12.17 Dams and impoundments	7:7E-4.16	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.18 Outfalls and intakes	7:7E-4.17	See general summary above	July 6, 2016	July 6, 2015	
7:7-12.19 Realignment of water areas	7:7E-4.18	See general summary above	July 6, 2015	July 6, 2015	
7:7-12.20 Vertical wake or wave attenuation structures	7:7E-4.19	See general summary above	July 6, 2016	July 6, 2016	
7:7-12.21 Submerged cables	7:7E-4.20	Modified: Language describing mitigation for shellfish impacts (no change in meaning)	July 6, 2015	July 6, 2015	
7:7-12.22 Artificial reefs	7:7E-4.21	Modified: Added exemption to artificial reef location requirement for an estuarine reef in the Delaware Bay to be constructed by the Department	July 6, 2015	July 6, 2014	
7:7-12.23 Living shorelines	7:7E-4.23	Modified: To incorporate Appendix G in determination of acceptable use of dredged material in establishing a living shoreline	July 6, 2015	July 6, 2015	
7:7-12.24 Miscellaneous uses	7:7E-4.22	See general summary above	July 6, 2015	July 6, 2015	

SUBCHAPTER 13. REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER

The NJCMP is not including Subchapter 13 in this program change submission.

**FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS
SUBCHAPTER 14. GENERAL LOCATION RULES**

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-14	7:7E-6	<p>General summary of changes</p> <p>Modified: To reflect the consolidation of the coastal rules into one chapter and its new structure.</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry</p>	July 6, 2015	July 6, 2015	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
7:7-14.1 Rule on location of linear development	7:7E-6.1	<p>Modified: Clarified example of linear development found to be unacceptable that could be considered acceptable given certain conditions</p>	July 6, 2015	July 6, 2015	
7:7-14.2 Basic location rule	7:7E-6.2	<p>See general summary above</p>	July 6, 2015	July 6, 2015	
7:7-14.3 Secondary impacts	7:7E-6.3	<p>Modified: Specifies which subchapters must be considered in a secondary impact analysis</p>	July 6, 2015	July 6, 2015	

SUBCHAPTER 15. USE RULES

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-15	7:7E-7	<p>General summary of changes</p> <p>Modified: To reflect the consolidation of the coastal rules into one chapter and its new structure.</p> <p>Deleted: The phrase “use rule” from each section heading.</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry</p>	July 6, 2015	July 6, 2015	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
7:7-15.1 Purpose and scope	7:7E-7.1	See general summary above	July 6, 2015	July 6, 2015	
7:7-15.2 Housing	7:7E-7.2	<p>Added: Provision incorporating filled water’s edge rule into standards relevant to one or two single family homes or duplexes</p> <p>Modified:</p> <ul style="list-style-type: none"> • To establish standards for one <i>or two</i> single family-homes or duplexes • Conservation restriction requirements to cite new Subchapter 18, Conservation restrictions (N.J.A.C. 7:7-18) <p>Deleted: Unnecessary definition</p>	July 6, 2015	July 6, 2015	
7:7-15.3 Resort/ recreational	7:7E-7.3	<p>Added: New provision at N.J.A.C. 7:7-15.3(d)8 allowing construction of a restaurant at a new or existing marina provided certain conditions are met</p> <p>Modified:</p> <ul style="list-style-type: none"> • Clarified requirements for use of non-polluting materials in bulkheads • Rule rationale to reflect addition <p>Deleted:</p> <ul style="list-style-type: none"> • Requirement that recreational boating facilities do not interfere with commercial boating • Unnecessary definition 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-15.4 Energy facility	7:7E-7.4	See general summary above	July 6, 2015	July 6, 2015	
7:7-15.5 Transportation	7:7E-7.5	See general summary above	July 6, 2015	July 6, 2015	
7:7-15.6 Public facility	7:7E-7.6	See general summary above	July 6, 2015	July 6, 2015	
7:7-15.7 Industry	7:7E-7.7	See general summary above	July 6, 2015	July 6, 2015	
7:7-15.8 Mining	7:7E-7.8	See general summary above	July 6, 2016	July 6, 2016	
7:7-15.9 Port	7:7E-7.9	See general summary above	July 6, 2016	July 6, 2016	
7:7-15.10 Commercial facility	7:7E-7.10	Added: <ul style="list-style-type: none"> • Setback requirements for new hotel/motel development on non-oceanfront sites with existing or proposed shore protection structures • Setback requirements for new and expanded retail trade and services development on non-oceanfront sites with existing or proposed shore protection structures • Setback requirements for new and expanded convention centers/arenas on non-oceanfront sites with existing or proposed shore protection structures 	July 6, 2016	July 6, 2016	
7:7-15.11 Coastal engineering	7:7E-7.11	See general summary above	July 6, 2016	July 6, 2016	
7:7-15.12 Dredged material placement on land	7:7E-7.12	Modified: <ul style="list-style-type: none"> • To incorporate Appendix G requirements for testing dredged material • Changed term “disposal” to “placement” to reflect policy of beneficial use of dredged material Deleted: Description of dredging technical manual and how to obtain it	July 6, 2016	July 6, 2016	
7:7-15.13 National defense facilities	7:7E-7.13	See general summary above	July 6, 2016	July 6, 2016	
7:7-15.14 High-rise structures	7:7E-7.14	Modified: <ul style="list-style-type: none"> • Clarified the orientation standards’ application to taller portions of a high-rise building or complex of buildings with low-rise and high-rise components • Extended exemption from the high-rise structures rule to any development in Atlantic City 	July 6, 2015	July 6, 2015	

SUBCHAPTER 16. RESOURCE RULES

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-16	7:7E-8	<p>General summary of changes</p> <p>Modified: To reflect the consolidation of the coastal rules into one chapter and its new structure</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry</p>	July 6, 2015	July 6, 2015	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq.
7:7-16.1 Purpose and scope	7:7E-8.1	See general summary above	July 6, 2015	July 6, 2015	
7:7-16.2 Marine fish and fisheries	7:7E-8.2	<p>Added: Construction of a recreational dock or pier to list of development that is conditionally acceptable under the marine fish and fisheries rule</p>	July 6, 2015	July 6, 2015	
7:7-16.3 Water quality	7:7E-8.4	<p>Modified: Updated law citations and terminology</p>	July 6, 2015	July 6, 2015	
7:7-16.4 Surface water use	7:7E-8.5	See general summary above	July 6, 2015	July 6, 2015	
7:7-16.5 Groundwater use	7:7E-8.6	<p>Modified: Updated terminology</p>	July 6, 2016	July 6, 2015	
7:7-16.6 Stormwater management	7:7E-8.7	See general summary above	July 6, 2015	July 6, 2015	
7:7-16.7 Vegetation	7:7E-8.8	See general summary above	July 6, 2015	July 6, 2015	
7:7-16.8 Air quality	7:7E-8.10	See general summary above	July 6, 2015	July 6, 2015	
7:7-16.9 Public access	7:7E-8.11	The NJCMP is not submitting the public access rule for incorporation into the NJCMP as an enforceable policy at this time. The NJCMP will be submitting the public access rule under a separate program change.			

SUBCHAPTER 17. MITIGATION

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-17	7:7E-3.2, 3.6, 3.15, 3.27, 3B, and 4.10	<p>Added: New subchapter that replaced former mitigation requirements and includes updates to mitigation requirements in order to better align with freshwater wetlands standards and standards used elsewhere in the United States</p> <p>Modified: Relocated and modified mitigation requirements from various special area rules into one subchapter</p>	July 6, 2015	July 6, 2015	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
7:7-17.1 Definitions	New	<p>Added</p> <ul style="list-style-type: none"> • New definitions specific to this subchapter which are identical to definitions in the Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A) • New definitions related to the in-lieu fee program recognized by the Federal Mitigation Rule <p>Modified Definitions of "creation," "enhancement," and "restoration" previously found in the CZM rules to be consistent with the Freshwater Wetlands Protect Act rules' definitions</p>	July 6, 2015	July 6, 2015	
7:7-17.2 General mitigation requirements	New; some content adapted from previous N.J.A.C 7:7-1.6(a), 4.2(e), 12.11(f), 17.2(f)	<p>Added:</p> <ul style="list-style-type: none"> • Description of mitigation • Provision that Department will not consider a mitigation proposal when determining whether to approve any application under the CZM Rules • Established that mitigation is not required for <i>de minimis</i> impacts • Explanation of how Department will authorize mitigation activities • Standards for approval of a mitigation proposal • Timeframe for beginning mitigation • Reminder that other State or Federal authorizations may be required for mitigation activities • If mitigation required to remedy a violation, the Department will determine amount and type • Requirement to permanently protect mitigation area with conservation restriction 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-17.2 (continued)		<ul style="list-style-type: none"> • Clarification that mitigation may consist of one or more mitigation alternatives • Mitigation for multiple disturbances may be aggregated into one mitigation site • Mitigation to satisfy requirements of Federal, local, or other State law cannot substitute for or preempt mitigation required under the CZM Rules • Procedure for when mitigator encounters a possible historic property <p>Modified:</p> <ul style="list-style-type: none"> • Description previously at N.J.A.C. 7:7-1.6(a) of when out-of-kind mitigation may be acceptable • Previous N.J.A.C. 7:7-4.2(e)3 and 12.11(f) providing that mitigation is not required for certain development in intertidal/subtidal shallows and certain filling • Previous N.J.A.C. 7:7-17.2(f) establishing that mitigation is not required for certain activities, to remove possibility of Department requiring mitigation even when all criteria are met 			
7:7-17.3 Timing of mitigation	New	<p>Added:</p> <ul style="list-style-type: none"> • Timing of mitigation required under a GP or IP, mitigation for a temporary disturbance, and mitigation required to remedy a violation • Clarification that all mitigation must continue to completion according to the schedule in the approved mitigation proposal 	July 6, 2015	July 6, 2015	
7:7-17.4 Amount of mitigation required	New	<p>Added:</p> <ul style="list-style-type: none"> • List of where requirements for each type of mitigation project are located • Protocol for when a mitigation area is affected by an easement or encumbrance 	July 6, 2015	July 6, 2015	
7:7-17.5 Property suitable for mitigation	New	<p>Added:</p> <ul style="list-style-type: none"> • Requirements for a property to be suitable for mitigation, including activities not considered mitigation and requirements to characterize ecological risk 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-17.6 Conceptual review of a mitigation area	New	Added: <ul style="list-style-type: none"> • Encouragement of prospective applicants to request a conceptual review prior to submitting a mitigation proposal or purchasing land • Requirements for requesting a conceptual review • Disclaimer that guidance provided is not binding and does not grant property or other rights or imply that activities are or will be authorized 	July 6, 2015	July 6, 2015	
7:7-17.7 Basic requirements for mitigation proposals	New	Added: <ul style="list-style-type: none"> • Mitigation proposal timeframes with respect to commencement of activities and whether mitigation is required to remedy a violation • Information required for each type of mitigation proposal (restoration, creation, and/or enhancement of wetlands, intertidal and subtidal shallows, submerged vegetation habitat, and riparian zones; monetary contribution to the dedicated account for shellfish habitat mitigation; purchase of bank credits; purchase of in-lieu fee credits) • Information required by mitigation proposal checklists • Information required in a water budget • Additional information required for submerged aquatic vegetation habitat mitigation proposal 	July 6, 2015	July 6, 2015	
7:7-17.8 Department review and approval of a mitigation proposal	New	Added: <ul style="list-style-type: none"> • Explanation of Department actions following receipt of a mitigation proposal • Specification that a mitigation proposal must meet all requirements of the subchapter to be approved 	July 6, 2015	July 6, 2015	
7:7-17.9 Requirements for shellfish habitat mitigation	7:7E-3.2(d)3vi(2)	Added: <ul style="list-style-type: none"> • Introductory language • Requirements for mitigation for the expansion of a legally existing commercial marina or construction of a new commercial marina in shellfish habitat 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-17.10 Requirements for submerged aquatic vegetation habitat mitigation	7:7E-3.6(b)1 and (d)	<p>Added:</p> <ul style="list-style-type: none"> • Introductory language • Requirement for an applicant proposing to mitigate for a temporary disturbance to submit a schedule and restoration planting plan • Requirements for mitigation for unavoidable, permanent, significant impacts to submerged aquatic vegetation habitat <p>Modified:</p> <ul style="list-style-type: none"> • Requirements for mitigation for a temporary disturbance (formerly N.J.A.C. 7:7E-3.6(b)1) to apply to all temporary disturbances to submerged vegetation habitat • Prior N.J.A.C. 7:7E-3.6(d) for clarity 	July 6, 2015	July 6, 2015	
7:7-17.11 Requirements for intertidal and subtidal shallows and tidal water mitigation	New with prior content of 7:7E-3B, 3.15(h), 4.10(e)	<p>Added:</p> <ul style="list-style-type: none"> • Introductory language • Hierarchy for mitigation to compensate for filling of intertidal and subtidal shallows or tidal waters • List of required documents/information to be submitted by the mitigator immediately following completion of mitigation, one lunar month after construction, and each year during monitoring period • Standards by which a mitigation site with creation of intertidal and subtidal shallows or tidal waters will be determined to be successful • Requirement that if mitigation is the restoration, creation, or enhancement of a wetland, the standards for wetland mitigation sites at N.J.A.C. 7:7-17.13(d) apply 	July 6, 2015	July 6, 2015	
7:7-17.12 Requirements for riparian zone mitigation	New	<p>Added:</p> <p>Requirement that mitigation for impacts to riparian zones is provided as required in the Flood Hazard Area Control Act Rules</p>	July 6, 2015	July 6, 2015	
7:7-17.13 Requirements for wetlands mitigation	New, replaces prior N.J.A.C. 7:7E-3.27(h)	<p>Added:</p> <ul style="list-style-type: none"> • Requirements for wetlands creation, restoration, or enhancement mitigation projects • List of required documents/ information required to be submitted by mitigator immediately following completion of mitigation and each year for five years after completion • Standards by which a wetlands mitigation project will be determined to be successful • Requirement to provide correct action if the project fails to meet the requirements of the subchapter for a given reporting year 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-17.14 Wetlands mitigation hierarchy	New	Added: <ul style="list-style-type: none"> • Clear hierarchy of wetlands mitigation options, from creation, restoration, or enhancement onsite or offsite in the same drainage area/estuary as impacts OR bank credit purchase, including how to determine feasibility of these preferred alternatives, to monetary contribution, upland preservation, or an in-lieu fee payment, to a land donation. • Requirements to demonstrate that offsite mitigation is not feasible 	July 6, 2015	July 6, 2015	
7:7-17.15 Requirements for credit purchase from an approved mitigation bank	New	Added: <ul style="list-style-type: none"> • Requirements that apply to bank credit purchase • Criteria that will be used to determine if mitigation through credit purchase is successful 	July 6, 2015	July 6, 2015	
7:7-17.16 Requirements for in-lieu fee payment	New	Added: <ul style="list-style-type: none"> • Requirements for an in-lieu fee payment to mitigate for impacts to wetlands; determined in accordance with the in-lieu fee instrument • Criteria that will be used to determine if mitigation through an in-lieu fee payment is successful 	July 6, 2015	July 6, 2015	
7:7-17.17 Financial assurance for mitigation projects; general	New	Added: <ul style="list-style-type: none"> • When financial assurance is required and to whom the requirement is applicable • Time for which financial assurance must be maintained Acceptable forms of financial assurance • Procedure for determining financial assurance amount, including annual review and potential adjustment • Release schedule for different portions of financial assurance amount based on performance of mitigation/ mitigation bank • Actions to be taken by the Department when person responsible for establishing financial assurance has failed to perform the mitigation project or bank • Ability of the Department to perform the mitigation project or bank by drawing on funds available in financial assurance in certain circumstances 	July 6, 2015	July 6, 2015	
7:7-17.18 Financial assurance; fully funded trust fund requirements	New	Added: <ul style="list-style-type: none"> • Specific criteria for financial assurance in the form of a fully funded trust fund • Documents required to be submitted to the Department 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-17.19 Financial assurance; line of credit requirements	New	Added: <ul style="list-style-type: none"> • Specific criteria for financial assurance in the form of a line of credit • Documents required to be submitted to the Department 	July 6, 2015	July 6, 2015	
7:7-17.20 Financial assurance; letter of credit requirements	New	Added: <ul style="list-style-type: none"> • Specific criteria for financial assurance in the form of a letter of credit • Documents required to be submitted to the Department 	July 6, 2015	July 6, 2015	
7:7-17.21 Financial assurance; surety bond requirements	New	Added: <ul style="list-style-type: none"> • Specific criteria for financial assurance in the form of a SURETY BOND • Documents required to be submitted to the Department 	July 6, 2015	July 6, 2015	
7:7-17.22 Mitigation banks	New	Added: <ul style="list-style-type: none"> • Requirements for establishing a mitigation bank • Factors determining the number of credits a bank operator may receive or sell • Credit release schedule • Requirement to record a conservation restriction on the bank site • Monitoring requirements • Procedure if the bank falls behind schedule for completion • Criteria that will be used to determine if a mitigation bank is successful • Department's right to financial assurance if bank sells more credits than the amount of mitigation completed 	July 6, 2015	July 6, 2015	
7:7-17.23 Application for a mitigation bank	New	Added: <ul style="list-style-type: none"> • Explanation and required materials for a conceptual review of a mitigation bank site • Mitigation bank approval application requirements • Statement that Department's approval of a mitigation bank shall incorporate conditions necessary to ensure requirements of the subchapter are met 	July 6, 2015	July 6, 2015	

SUBCHAPTER 18. CONSERVATION RESTRICTIONS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-18 Conservation restrictions	New; some content incorporated from prior 7:7E-8.11(z)	Added: New subchapter sets forth the form and recording requirements for conservation restrictions.	July 6, 2015	July 6, 2015	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
7:7-18.1 Conservation restriction form and recording requirements	New	Added: <ul style="list-style-type: none"> • Conditions that apply to any conservation restriction required by the chapter, including form and duration • Recording requirements • Acceptable proof to the Department that the conservation restriction was recorded • Requirement that a conservation restriction for a mitigation area also comply with N.J.A.C. 7:7-18.2 	July 6, 2015	July 6, 2015	
7:7-18.2 Additional requirements applicable to a conservation restriction for mitigation areas	New	Added: <ul style="list-style-type: none"> • Requirement for owner(s) of interest in mitigation area to notify the county/municipality of the conservation restriction whenever an application for local approve involving the land is submitted; requirement to insert notice of the conservation restriction into any subsequent deed or legal instrument • Enforceability of conservation restriction • Requirement for approval of conservation restriction by the Wetlands Mitigation Council if the mitigation area is donated land or a mitigation bank that required approval from the Council 	July 6, 2015	July 6, 2015	
7:7-18.3 Reservation of rights	New	Added: <ul style="list-style-type: none"> • Ability of property owner to request <i>de minimis</i> modification to conservation restriction if it would result in equivalent protection of regulated resource • Establishment of the right of the property owner to abandon project; permit void and restriction released if no disturbance occurred 	July 6, 2015	July 6, 2015	

SUBCHAPTER 19. RELAXATION OF PROCEDURES; RECONSIDERATION OF APPLICATION OF RULES

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
N.J.A.C. 7:7-19	N.J.A.C. 7:7-1.10	<p>General summary of changes</p> <p>Modified: Recodified most of prior N.J.A.C. 7:7-1.10 as N.J.A.C. 7:7-19. Section titles added or amended.</p> <p>Note: Where changes to a recodified section are limited to the above types of changes, no further section summary appears below. These sections are denoted through shading of the entry</p>	July 6, 2015	July 6, 2015	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
	N.J.A.C. 7:7-1.10 (a)	<p>Deleted Liberal construction provision (relocated to N.J.A.C. 7:7-1.7)</p>	July 6, 2015	July 6, 2015	
7:7-19.1 Relaxation of procedures in this chapter	7:7-1.10(b)	See general summary above	July 6, 2015	July 6, 2015	
7:7-19.2 Reconsideration of the application of a rule(s) in this chapter	7:7-1.10(c)-(n)	<p>Added:</p> <ul style="list-style-type: none"> • Department can initiate the reconsideration before a takings complaint is filed in the situation where the proposed development is a single-family home or duplex • A property owner or any other person aggrieved by a determination on a reconsideration may request an adjudicatory hearing pursuant to N.J.A.C. 7:7-28.1 <p>Modified:</p> <ul style="list-style-type: none"> • Replaced specific public notice requirements with reference to N.J.A.C. 7:7-24.3 • Clarified deadlines by specifying that they are in calendar days • Clarified that the referenced final decision by the Commissioner is the final decision rendered if the permit decision was contested through the administrative hearing process. 	July 6, 2015	July 6, 2015	

SUBCHAPTER 20. PROVISIONAL PERMITS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-20 Provisional permits	7:7-1.6	Modified: Recodified from N.J.A.C. 7:7-1.6 to N.J.A.C. 7:7-20 with no substantive changes	July 6, 2015	July 6, 2015	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

SUBCHAPTER 21. EMERGENCY AUTHORIZATIONS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-21 Emergency authorizations	New, replaced prior 7:7-1.7	Added: New subchapter to replace prior N.J.A.C. 7:7-1.7, which was repealed. The term "emergency permit authorization" was replaced with "emergency authorization" for clarity. Specific new provisions are described below.	July 6, 2015	July 6, 2015	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
7:7-21.1 Standard for issuance of an emergency authorization	New, replaced prior 7:7-1.7(a)	Added: Reasons the Department will issue an emergency authorization, emphasizing that an emergency authorization is only issued in extraordinary and extremely time-sensitive circumstances	July 6, 2015	July 6, 2015	
7:7-21.2 Procedure to request an emergency authorization	New, replaced prior 7:7-1.7(a)	Added: <ul style="list-style-type: none"> • Procedure to request an emergency authorization similar to prior rules' procedure without the requirement to notify both the Division of Land Use Regulation and the Bureau of Coastal and Land Use Enforcement • Explanation of public notice requirements 	July 6, 2015	July 6, 2015	
7:7-21.3 Issuance of emergency authorization, conditions	New	Added: <ul style="list-style-type: none"> • Timeframe for issuance or denial of request for emergency authorization and publication of decision in DEP Bulletin • Contents of the Department's written decision • Timeline for commencing and conducting activities under the emergency authorization • Requirement to submit a complete permit application within 90 days of the verbal decision or within an alternate timeframe established by the Department • Requirement for activities to comply with the CZM Rules to the maximum extent practicable • Additional application requirements for permit application • Provision that Department may require design changes, restoration, and/or stabilization measures • Provision that Department may modify or terminate an emergency authorization at any time without prior notice to protect public health, safety, welfare, or the environment • Notice that unauthorized activities constitute a violation and are subject to enforcement action 	July 6, 2015	July 6, 2015	

SUBCHAPTER 22. PRE-APPLICATION CONFERENCES

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-22 Pre-application conferences	New; replaced N.J.A.C. 7:7-3	Added: New subchapter to replace prior N.J.A.C. 7:7-3, which was repealed. Content is largely similar, with changes to align the CZM Rules with the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) and the Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A)	July 6, 2015	July 6, 2015	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.
7:7-22.1 Purpose and scope NOTE: The NJCMP is not submitting N.J.A.C. 7:7-22.1(b) as part of this program change.	New	Added: <ul style="list-style-type: none"> • Description of pre-application conference; statement that the Department may hold an in-person conference or address questions by phone • Recommendation of a pre-application conference for large/complicated projects and dredging/dredged material management projects • Statement that pre-application conference guidance does not constitute a decision to approve or deny an application • Reference to the Office of Permit Coordination and Environmental Review for large/complex projects that require multiple approvals 	July 6, 2015	July 6, 2015	State Permitting Program
7:7-22.2 Request for a pre-application conference; scheduling; information required NOTE: The NJCMP is not submitting N.J.A.C. 7:7-22.2(d) as part of this program change.	New, with content taken from prior 7:7-3.2	Added: Request recipients depending on project type, information required in a request, Department actions following a request Deleted: 10-day deadline for Department to schedule a request Prior information requirements at prior N.J.A.C. 7:7-3.3 Requirement for Department to prepare a written summary of conference at prior N.J.A.C. 7:7-3.4	July 6, 2015	July 6, 2015	

SUBCHAPTER 23. APPLICATION REQUIREMENTS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-23 Application Requirements	New	Added: New subchapter to consolidate application requirements for general permit authorizations and individual permits previously found in various provisions throughout prior N.J.A.C. 7:7. Application requirements have been updated to be more consistent with those found in the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) and Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) and to include requirements for general permits-by-certification.	July 6, 2015	July 6, 2015	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
7:7-23.1 Purpose and scope	New	Added: List of applications to which this subchapter applies List of locations of other application requirements	July 6, 2015	July 6, 2015	
7:7-23.2 General application requirements	New	Added: <ul style="list-style-type: none"> • Explanation of application checklists • Provision that level of detail and documentation required for an application is commensurate with the size and impact of the proposed activity, its proximity to coastal special areas, and potential for environmental impacts • Requirements for who can submit an application • Requirements that specify who must certify an application and acceptable “duly authorized representatives” who may certify an application; procedure for changing who is a duly authorized representative • Requirements for applications for activities in a right-of-way or easement • Requirements to sign and seal site plans (consolidated and amended from prior N.J.A.C. 7:7-4.2(a)7i(2) and 7ii(2) and 4.2(c)) • Requirement for any professional document submitted by an engineer, architect, surveyor, scientist, etc. to be certified with specific certification language • Statement that failure to provide complete and accurate information may result in denial of an application, termination of an approval, and/or enforcement action • Provision allowing applicant to submit one application for multiple approvals, provided all requirements are met (similar to prior N.J.A.C. 7:7-1.8). 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-23.3 Additional application requirements for an authorization under a general permit-by-certification	New	Added: Information required by for an application for an authorization under a general permit-by-certification and explanation of process	July 6, 2015	July 6, 2015	
7:7-23.4 Additional application requirements for an authorization under a general permit or for an individual permit	New; replaced prior 7:7-4.2(a)1-7 and 7.3(a)1-8	Added: Consolidated list of application requirements that apply to general permit authorization and individual permit applications; requirements are similar to prior requirements with amendments for clarity and for consistency with other Department rules Deleted: <ul style="list-style-type: none"> • Prior exception to providing State plane coordinates for certain general permit applications • Requirement to submit any applicable tidelands instrument 	July 6, 2015	July 6, 2015	
7:7-23.5 Compliance statement requirement for an application for authorization under a general permit	New; replaced prior 7:7-6	Added: Section consolidating requirement to submit a compliance statement with all general permit applications and listing required information (simplified/clarified from prior rules)	July 6, 2015	July 6, 2015	
7:7-23.6 Additional requirement specific to an application for an individual permit	New; replaced prior 7:7-4.2	Added: <ul style="list-style-type: none"> • Requirement to submit environmental impact statement (EIS) with all individual permit applications (prior rule: EIS for CAFRA individual permits, compliance statement for coastal wetlands and waterfront development individual permits) • Required content for an EIS • Requirement to submit mitigation proposal, as applicable, with permit application or at least 90 calendar days prior to the start of activities • Requirement to submit monitoring methodology with individual permit application for wind turbines • Statement that an application for a waterfront development or coastal wetlands individual permit that proposes the discharge of dredged or fill material into waters of the United States constitutes an application for a State water quality certificate 	July 6, 2015	July 6, 2015	

SUBCHAPTER 24. REQUIREMENTS FOR AN APPLICANT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-24 Requirements for an applicant to provide public notice of an application	New	Added: New subchapter that consolidates and modifies public notice requirements formerly found throughout prior N.J.A.C. 7:7.	July 6, 2015	July 6, 2015	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq.
7:7-24.1 Purpose and scope	New	Added: <ul style="list-style-type: none"> • List of applications which require public notice • Reference to 7:7-19.2(i)1ii for reconsideration request public notice requirement • List and citations of applications which do not require public notice • Ability to provide combined public notice when one project requires multiple approvals • Statement that an applicant's failure to provide public notice is cause for the Department to cancel an application 	July 6, 2015	July 6, 2015	N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program
7:7-24.2 Timing of public notice of an application	New	Added: <ul style="list-style-type: none"> • Timing requirement for all applications except CAFRA individual permit applications: to all recipients no more than 30 days prior to submitting the application and no later than the date the application is submitted • Timing requirement for CAFRA individual permit applications: to governmental entities no more than 30 days prior to submitting the application and no later than the date the application is submitted; newspaper notice no more than 10 days after application is submitted 	July 6, 2015	July 6, 2015	
7:7-24.3 Contents and recipients of public notice of an application	New	Added: <ul style="list-style-type: none"> • Requirement to provide a complete copy of the application to the municipal clerk of each municipality in which the site is located (previously required three copies with instructions to distribute to the planning board and environmental commission) • List of required recipients of notice (updated to include municipal planning boards and environmental commissions and local Soil Conservation District if 5,000 square feet or more are disturbed) • Specific notice requirements for: linear development ≥ 0.5mi, shore protection development, public development ≥ 50 acres, or industrial/commercial development on a site ≥ 100 acres in accordance with the Municipal Land Use Law • List of required content; relocated content of form letter to Department's website/checklists • Requirement to provide a copy of the application to the Pinelands 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-24.3 (continued)		Commission for certain projects <ul style="list-style-type: none"> • List of additional notice requirements for installation of submarine cables or sand mining 			
7:7-24.4 Additional requirements for public notice of an application for a CAFRA individual permit	New	Added: <ul style="list-style-type: none"> • Requirement to provide newspaper notice • Requirement to provide notice of public comment period; list of required recipients • Specific notice requirements for: linear development ≥ 0.5mi, shore protection development, public development ≥ 50 acres, or industrial/commercial development on a site ≥ 100 acres in accordance with the Municipal Land Use Law • List of required content; relocated content of form letter to Department's website/checklists • Requires the applicant to provide notice of a public hearing, if the Department determines a public hearing is necessary 	July 6, 2015	July 6, 2015	
7:7-24.5 Content and format of newspaper notice	New	Added: <ul style="list-style-type: none"> • Requirement to publish notice as a legal notice or display advertisement in the official newspaper of the municipality where the site is located or, if no official paper exists, a newspaper of general circulation in the municipality • Required contents of newspaper notice for linear development ≥ 0.5mi, shore protection development, public development ≥ 50 acres, or industrial/commercial development on a site ≥ 100 acres • Required contents of newspaper notice for a CAFRA individual permit • Required contents of newspaper notice for public hearing on a CAFRA individual permit 	July 6, 2015	July 6, 2015	
7:7-24.6 Documenting public notice of an application; documenting public notice of a public comment period or public hearing on CAFRA individual permit application	New	Added: <ul style="list-style-type: none"> • Required documentation of public notice of an application other than a CAFRA individual permit application, including non-newspaper and newspaper • Required documentation of public notice of a CAFRA individual permit application, including non-newspaper and newspaper • Required documentation of public notice of a public comment period or public hearing 	July 6, 2015	July 6, 2015	

SUBCHAPTER 25. APPLICATION FEES

The NJCMP is not including Subchapter 25 in this program change submission.

SUBCHAPTER 26. APPLICATION REVIEW

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-26 Application review	New; incorporates concepts from prior 7:7-4 and 7:7-7.4	Added: New subchapter to update and consolidate application review procedures for the review of applications for authorization under a general permit and for applications for an individual permit or water quality certificate.	July 6, 2015	July 6, 2015	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.
7:7-26.1 General application review provisions	New; incorporates concepts from prior 7:7-4	Added: <ul style="list-style-type: none"> • Description of subchapter contents; list and citations of other application review procedures elsewhere in the chapter • Statement of applicability of the requirements of the Construction Permits Law, N.J.S.A. 13:1D-29 et seq. • Applicant may submit revise application at any time; must provide notice to the municipal clerk and others who Department determines will be affected by the revision • “Time of decision” provision: application will be reviewed based on the rules in effect at the time the application is declared complete for review • Department will publish notice in the DEP Bulletin of receipt of each new application, application status during review, and decision, and will provide actual notice to the applicant and those who have requested specific notice 	July 6, 2015	July 6, 2015	State Permitting Program
7:7-26.2 Applications for all coastal general permit authorizations and applications for waterfront development and coastal wetlands individual permits—completeness review	New	Added: <ul style="list-style-type: none"> • Department actions and timeframes within receiving an application and additional information on an application • Required recipients of additional information • Deadline for submitting all additional information • Application is automatically declared complete for review if Department takes no action within established timeframes • Allows Department to hold a fact-finding meeting as necessary based on public comment or review of size/scope/complexity of project • Deadline for Department decision on application 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-26.3 CAFRA individual permit application—initial completeness review	New	Added: <ul style="list-style-type: none"> • Public notice requirement; when an application will be complete for public hearing/comment based on when documentation of public notice is provided • Department actions and timeframes within receiving an application and additional information on an application • Required recipients of additional information • Deadline for submitting additional information • Application is automatically declared complete for public comment/public hearing if Department takes no action within established timeframes • Department will hold 30-day public comment period if it does not hold public hearing 	July 6, 2015	July 6, 2015	
7:7-26.4 CAFRA individual permit—public comment period	New	Added: <ul style="list-style-type: none"> • Timeframe and requirements for scheduling a public comment period • Notice requirements • Actions the Department will take within 15 days of the close of the comment period • Deadline for submitting additional information • Deadline for Department decision on application 	July 6, 2015	July 6, 2015	
7:7-26.5 CAFRA individual permit—public hearing	New	Added: <ul style="list-style-type: none"> • Reasons Department will hold a facting-finding public hearing • Timeframe and requirements for scheduling a public hearing • Notice requirements • Actions the Department will take within 15 days after the public hearing • Deadline for submitting additional information • Deadline for Department decision on application 	July 6, 2015	July 6, 2015	
7:7-26.6 Department decision on an application that is complete for review	New	Added: <ul style="list-style-type: none"> • Required actions and timeframe for different applications following the Department declaring the application complete for review • Possibility for a 30-day extension of review period following mutual agreement between applicant and the Department • Publication of notice provisions • Prohibition of waiving timeframes 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-26.7 Cancellation of an application	New	Added: <ul style="list-style-type: none"> • Reasons the Department will cancel an application • Procedures for cancelling an application 	July 6, 2015	July 6, 2015	
7:7-26.8 Withdrawal of an application	New	Added: Application withdrawal procedures; Department action	July 6, 2015	July 6, 2015	
7:7-26.9 Re-submittal of an application after denial, cancellation, or withdrawal	New	Added: Allows applicant to resubmit application that was denied, cancelled, or withdrawn; the Department will treat the resubmitted application as a new application	July 6, 2015	July 6, 2015	
7:7-26.10 Fee refund or credit when an application is returned, withdrawn, or cancelled	New	Added: <ul style="list-style-type: none"> • Identification of circumstances in which the Department will fully refund a submitted application fee and in which the Department will not refund an application fee • Provision for an application fee to be credited toward the fee for one new application by the same applicant for the same activity on the same site within one year of cancellation or withdrawal 	July 6, 2015	July 6, 2015	

SUBCHAPTER 27. PERMIT CONDITIONS; MODIFICATION, TRANSFER, SUSPENSION, AND TERMINATION OF AUTHORIZATIONS AND PERMITS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-27 Permit conditions; modification, transfer, suspension, and termination of authorizations and permits	New; replaced 7:7-1.5	Added: New subchapter to refine the content from prior N.J.A.C. 7:7-1.5	July 6, 2015	July 6, 2015	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
7:7-27.1 Purpose and scope	New	Added: Introductory language; scope of subchapter	July 6, 2015	July 6, 2015	
7:7-27.2 Conditions that apply to all permits	New; refines and amends content from prior N.J.A.C. 7:7-1.5(b)	Added/modified: <ul style="list-style-type: none"> • Explanation that Department places conditions on permits to ensure compliance with the CZM Rules; identification of where conditions are found in the section • Undertaking a regulated activity under a permit constitutes acceptance of permit in its entirety, including all conditions • Clarified existing conditions and added new conditions for consistency with Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) and Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A) 	July 6, 2015	July 6, 2015	
7:7-27.3 Extension of an authorization under a general permit or waterfront development individual permit for activities waterward of the mean high water line	New	Added: <ul style="list-style-type: none"> • Ability of permittee to request one five-year extension of the approvals in the section title • List of conditions that must be met for the Department to issue an extension • List of required contents in an extension request • Actions the Department will take after receiving an extension request; timeframes • Reasons for denial of an extension request • Where the requirements of the section are met, the Department will issue an extension with any additional conditions determined to be necessary, beginning on the date the original approval expires 	July 6, 2015	July 6, 2015	
7:7-27.4 Transfer of an emergency authorization, an authorization under a general permit, or an individual permit	New	Added: <ul style="list-style-type: none"> • Automatic transfer of the authorization/permit and all conditions are to the new owner of property if the authorization/permit is valid on the date the site is transferred • Information and documentation that must be submitted within 30 days of the transfer of the site 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-27.5 Modification of an authorization under a general permit or an individual permit	New	Added: <ul style="list-style-type: none"> • Authorization/permit can be modified through an administrative modification, minor technical modification, or major technical modification • Duration of an approval cannot be extended by a modification • Definitions of each type of modification, requirements for a modification to be issued; requirement to apply for a new permit • Requirement to record modified authorization/permit with the Office of the County Clerk in each county in which the activity is located; timeframes for recordation 	July 6, 2015	July 6, 2015	
7:7-27.6 Application for a modification	New; replaces prior 7:7-4.10(i)-(j) and 7.3A(d)-(e)	Added/modified: <ul style="list-style-type: none"> • Application requirements for modification include general application requirements at N.J.A.C. 7:7-23.2 • Application requirements for an administrative modification • Application requirements for a minor technical modification (amended content from prior N.J.A.C. 7:7-4.10(i) and (j)) • Application requirements for a major technical modification (amended content from prior N.J.A.C. 7:7-4.10 (i) and (j)) 	July 6, 2015	July 6, 2015	
7:7-27.7 Suspension of an authorization under a general permit, an individual permit, or an emergency authorization	New; replaces and incorporates content from prior 7:7-4.11(a)	Added: <ul style="list-style-type: none"> • Clarified and expanded list of circumstances in which the Department will suspend an approval • Provides for the Department's written notice of the suspension, unless for emergency reasons • Contents of notice of suspension • Requirement for permittee to provide written strategy to remedy causes of suspension • Department actions within 30 days of receipt of strategy • Noncompliance with this section is cause to terminate 	July 6, 2015	July 6, 2015	
7:7-27.8 Termination of an authorization under a general permit, an individual permit, or an emergency authorization	New; replaces prior N.J.A.C. 7:7-4.11(b)	Added: <ul style="list-style-type: none"> • Department will terminate a suspended approval for good cause; list of three examples of "good cause" • Department will notify permittee by mail of intent to terminate • Permittee can request adjudicatory hearing within 10 days of receipt of intent to terminate • If no hearing request/request denied, approval is terminated after 10 days • Actions permittee must take following termination 	July 6, 2015	July 6, 2015	

SUBCHAPTER 28. REQUESTS FOR ADJUDICATORY HEARINGS

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-28 Requests for adjudicatory hearings	New; replaces prior N.J.A.C. 7:7-5	Added: New subchapter setting forth procedures and timeframes for an adjudicatory hearing request and decision that replaces prior N.J.A.C. 7:7-5.	July 6, 2015	July 6, 2015	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
7:7-28.1 Procedure to request an adjudicatory hearing; decision on the request	New	Added: <ul style="list-style-type: none"> • Scope of subchapter: adjudicatory hearing requests to contest Department decision on a coastal permit • Requirement to submit hearing request within 30 days of permit decision • Information required to be submitted in a request and to whom it must be submitted • Rules are not to be construed to provide a right to an adjudicatory hearing • Department will notify requester of decision to deny or grant the request(granted=forward to Office of Administrative Law) • Final decision issued by Department Commissioner after proceedings in Office of Administrative Law is a final agency action for purposes of the APA and is appealable to the State Supreme Court 	July 6, 2015	July 6, 2015	
7:7-28.2 Procedure to request dispute resolution	New	Added: <ul style="list-style-type: none"> • Requester may also request that the Department determine if the matter is suitable for mediation by the Office of Dispute Resolution; will be notified of suitability and procedures/schedule for mediation as applicable 	July 6, 2015	July 6, 2015	
7:7-28.3 Effect of request for hearing on operation of permit or authorization	New	Added: <ul style="list-style-type: none"> • If permittee requests hearing, permit is stayed in its entirety unless Department issues an exception to the stay for good cause • If person other than permittee requests the hearing, the operation of the permit is not stayed but can be stated by the Department if it determines that good cause exists to do so 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-28.4 Notice of certain settlement discussions on a coastal permit decision; notice of settlement agreement	New	Added: <ul style="list-style-type: none"> • New provision to implement requirement incorporated into CAFRA by P.L. 2009, c. 171: should the Department enter into settlement discussions regarding a project in a municipality in the CAFRA area that will impact a dune or other environmentally sensitive area, the Department will notify the governing body of that municipality • Procedures for providing public notice of settlement agreement that may result in the issuance of a coastal permit 	July 6, 2015	July 6, 2015	

SUBCHAPTER 29. ENFORCEMENT

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-29 Enforcement	7:7-8	Modified: Recodified enforcement provisions from N.J.A.C. 7:7-8 to N.J.A.C. 7:7-29 with amendments to reflect consolidation of coastal rules and to implement the Environmental Enforcement Enhancement Act (EEEE), P.L. 2007, c. 246.	July 6, 2015	July 6, 2015	N.J.S.A. 12:5-3 N.J.S.A. 13:1D-9 N.J.S.A. 13:1D-29 et seq.
7:7-29.1 General provisions	7:7-8.1	Added: <ul style="list-style-type: none"> • Petitioning the Attorney General to bring a criminal action to list of remedies for a person violating N.J.S.A. 13:19-1, 12:5-1, 13:9A-1 or any regulation/rule/permit/order adopted or issued pursuant thereto • Requirement for applicant or permittee to provide any information necessary to determine compliance with the coastal statutes/rules/permits upon request by the Department Modified: <ul style="list-style-type: none"> • All coastal statutes (N.J.S.A. 13:19-1, 12:5-1, and 13:9A-1) included in scope of subchapter • Language regarding Department's ability to access sites for purposes of conducting compliance inspections to reflect language in EEEA Deleted: Provisions that are now outdated following standardization of enforcement procedures across the three coastal statutes	July 6, 2015	July 6, 2015	N.J.S.A. 13:9A-1 et seq. N.J.S.A. 13:19-1 et seq. State Permitting Program
7:7-29.2 Issuance of an administrative order	7:7-8.2	Modified: <ul style="list-style-type: none"> • To include all coastal statutes in scope of section • Timeframes to reflect EEEA Deleted: <ul style="list-style-type: none"> • Provisions that are now outdated following standardization of enforcement procedures across the three coastal statutes 	July 6, 2015	July 6, 2015	
7:7-29.3 Assessment, settlement, and payment of a civil administrative penalty	7:7-8.3	Modified: <ul style="list-style-type: none"> • To include all coastal statutes in scope of section • Timeframes to reflect EEEA • Reasons for which a hearing request on a civil administrative penalty will be denied to provide additional detail and clarity 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-29.4 Procedures to request and conduct an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment	7:7-8.4	<p>Added:</p> <ul style="list-style-type: none"> • Information required in hearing request form • Additional contents of a hearing request and addresses to which it must be sent • Requirement of violator to submit a statement as to whether they agree to delay a hearing request to engage in settlement negotiations <p>Modified:</p> <ul style="list-style-type: none"> • To include all coastal statutes in scope of section • To include more information concerning hearing request process • Updated required contact information • Clarified requirement to submit specific admission/denial of facts or statement of no knowledge 	July 6, 2015	July 6, 2015	
7:7-29.5 Civil administrative penalties for failure to obtain a permit prior to conducting regulated activities	7:7-8.5	<p>Added:</p> <ul style="list-style-type: none"> • Each day a violation remains in effect constitutes an additional, separate, and distinct offense • Number of points assigned to each violation using the conduct and seriousness factors • Base penalty amount assigned to specific point values • Department may add to the assessed civil administrative penalty the amount on economic benefit in dollars that the violator realizes as a result of not complying or delaying compliance with an applicable rule or condition <p>Modified:</p> <ul style="list-style-type: none"> • Scope of section to include all coastal statutes • Clarified for what violations a penalty will be assessed • Clarified use of "permit" for purposes of the section • Clarified timeframes for violator to engage in mitigation actions to reduce assessed penalty • Clarified and expanded on factors considered by the Department when adjusting a penalty 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-29.6 Civil administrative penalties for violations other than failure to obtain a permit prior to conducting regulated activities	7:7-8.6	Added: <ul style="list-style-type: none"> • Provision setting forth how total administrative penalty is calculated • Department may add to the assessed civil administrative penalty the amount on economic benefit in dollars that the violator realizes as a result of not complying or delaying compliance with an applicable rule or condition 	July 6, 2015	July 6, 2015	
7:7-29.7 Civil penalties	7:7-8.7	Modified: <ul style="list-style-type: none"> • Scope of section to include all coastal statutes • Reorganizes language for clarity • Added ability to impose civil penalty for individuals who knowingly make any false or misleading statement on any application, record, report, or other document submitted to the Department • Updated reference to the Penalty Enforcement Law and removed municipal court from entities with authority to enforce it, pursuant to the EEEA 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-29.8 Civil actions	7:7-8.13	<p>Added:</p> <ul style="list-style-type: none"> • Recovery of costs of investigation, monitoring, and costs of bringing civil action to list of forms of relief for a violation • Recovery of costs incurred by the State in removing, correcting, or terminating adverse effects of any violation to list of forms of relief • Recovery of compensatory damages for loss or destruction of natural, historic, or archeological resources to list of forms of relief • Execution of an order requiring restoration of the site to pre-violation conditions or off-site restoration to list of forms of relief • Requirement to pay recovery of damages/costs to State Treasurer <p>Deleted:</p> <ul style="list-style-type: none"> • Previously existing forms of relief; replaced with added provisions • Criteria for adjusting penalty amount within a range <p>Modified:</p> <ul style="list-style-type: none"> • Scope of section to include all coastal statutes • General clarifications/organizational improvements • Description of how the base daily civil administrative penalty will be determined; updated the base penalties in the matrix, eliminating ranges of values and instead assigning a specific dollar amount to each conduct and seriousness combination • Criteria for major and moderate seriousness • Clarified that all violations of Department permits or authorizations, including emergency authorizations, exemptions pursuant to N.J.S.A. 12:5-3.a, applicability determinations, and/or Tidelands instruments, or any conditions thereof are presumed to be knowing violations, but that presumption is rebuttable 	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-29.9 Criminal action	New	Added: <ul style="list-style-type: none"> • Ability of Department to bring a criminal action in court for certain violations • A person who knowingly, purposely, or recklessly, commits a violation will be guilty, upon conviction, of a crime of the third degree and subject to a fine ranging from \$5,000 to \$50,000 per day of violation, or imprisonment, or both • Criteria for being found guilty of a crime of the third degree under this section 	July 6, 2015	July 6, 2015	
7:7-29.10 Grace period applicability; procedures	7:7-8.14	Added: <ul style="list-style-type: none"> • Table A: new contents, arranged in citation order, with citations and other changes from previous rule to reflect other amendments throughout chapter Modified: <ul style="list-style-type: none"> • Scope of section to include all coastal statutes • Clarified timeframes involved in applying a grace period to a violation Deleted: Prior Table A; replaced with new Table A	July 6, 2015	July 6, 2015	

APPENDICES

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7-Appendix A. Illustration of the waterward side of development	7:7-Appendix A	Modified: Updated title and formatting for consistency between appendices	July 6, 2015	July 6, 2015	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
7:7-Appendix B. Illustration of intervening development for proposed development other than a single-family home or duplex	7:7-Appendix B	Modified: Updated title and formatting for consistency between appendices	July 6, 2015	July 6, 2015	
7:7-Appendix C. Illustration of intervening development for proposed single-family home or duplex	7:7-Appendix C	Modified: Updated title and formatting for consistency between appendices	July 6, 2015	July 6, 2015	
7:7-Appendix D. Coastal wetlands maps	7:7-2.2(c) (New Appendix)	Added: List of coastal wetlands maps formerly found at N.J.A.C. 7:7-2.2(c)	July 6, 2015	July 6, 2015	
7:7-Appendix E. Illustration regarding the construction of a single noncommercial dock, pier, or boat mooring in shellfish habitat pursuant to N.J.A.C. 7:7-9.2(d)3ii	New	Added: Illustration that depicts how to determine the maximum length of a proposed single noncommercial dock or pier, or the location of a boat mooring, within shellfish habitat at a single-family dwelling pursuant to N.J.A.C. 7:7-9.2(d)3ii	July 6, 2015	July 6, 2015	
7:7, Appendix F. Illustration of Construction of a New Commercial Marina Pursuant to N.J.A.C. 7:7-9.2(d)5	New	Added: Illustration depicting how an "infill" situation is determined	July 6, 2015	July 6, 2015	

NJ Administrative Code Citation (N.J.A.C.)	Previous Citation (N.J.A.C.)	Summary of change	Date adopted by State	Date Effective in State	Enforcement Mechanism
7:7, Appendix G. The Management and Regulation of Dredging Activities and Dredged Material Disposal in New Jersey's Tidal Waters	New appendix that incorporates the contents of the dredging technical manual (same title)	Modified: Updated references and deleted text that was duplicative of text in CZM Rules throughout Deleted: <ul style="list-style-type: none"> • Outdated surface water quality criteria (prior Attachment 2 of manual) • Dredged Material Data Form (DMDF-997), which identifies the specific sampling and testing requirements for a proposed dredging project and/or the management of the dredged material (prior Appendix C of manual) • Description of applicable laws, statutes, regulations, and permits (prior Appendix D of the manual) 	July 6, 2015	July 6, 2015	
7:7, Appendix H Boundaries of Non-mainland Coastal Centers in the CAFRA Area	7:7E-Appendix 3	Modified: Updated citations	July 6, 2015	July 6, 2015	
7:7, Appendix I CAFRA Centers	7:7E-Appendix 5.	Modified: Updated citations	July 6, 2015	July 6, 2015	
Repealed	7:7E-Appendix 1	Deleted: Outdated figures	July 6, 2015	July 6, 2015	

Appendix 1B: Explanation of rules repealed

Rule citation	Rule content	Explanation of repeal
N.J.A.C. 7:7-1.1	Purpose and scope of Coastal Permit Program Rules	Coastal Permit Program Rules consolidated with Coastal Zone Management Rules; separate scope is not necessary
N.J.A.C. 7:7-1.2	Reserved (no content)	Repealed
N.J.A.C. 7:7-1.7	Emergency permit authorization	Substance moved to new N.J.A.C. 7:7-21, Emergency authorizations
N.J.A.C. 7:7-1.8	Procedure where more than one permit is required	Substance addressed at N.J.A.C. 7:7-23.2, General application requirements
N.J.A.C. 7:7-1.9	Permit fees	Description of establishment of fees is unnecessary; application fees located in N.J.A.C. 7:7-25
N.J.A.C. 7:7-3	Pre-application review	Substance moved to N.J.A.C. 7:7-22
N.J.A.C. 7:7-4	Permit review procedures	Substance moved to N.J.A.C. 7:7-23 (Application requirements), 24(Requirements to provide public notice), 26(Application review), and 27(Permit conditions; extensions, modifications, transfers, suspensions, and terminations)
N.J.A.C. 7:7-5	Requests for adjudicatory hearings	Substance moved to 7:7-28, Requests for adjudicatory hearings
N.J.A.C. 7:7-6	Environmental impact statements and compliance statements	Substance moved to N.J.A.C. 7:7-23.5, Compliance statement requirement for an application for authorization under a general permit and 7:7-23.6, Additional requirements specific to an application for an individual permit
N.J.A.C. 7:7-7.3A	Requests for modification of a general permit	Substance moved to N.J.A.C. 7:7-27.5, Modification of an authorization under a general permit or an individual permit and 7:7-27.6, Application for a modification
N.J.A.C. 7:7-8	Enforcement	Substance moved to N.J.A.C. 7:7-29, Enforcement; except 8.8 through 8.12 and 8.15 repealed entirely because new subchapter establishes uniform enforcement provisions for violations of all applicable statutes

N.J.A.C. 7:7-9	Reserved (no content)	Repealed
N.J.A.C. 7:7E-1.3	Severability	Repealed, severability provisions now located at N.J.A.C. 7:7-1.8
N.J.A.C. 7:7E-1.7	Correspondence with Department	Substance moved to N.J.A.C. 7:7-1.6, Forms, checklists, information; Department address and website
N.J.A.C. 7:7E-1.8	Definitions	Substance moved to N.J.A.C. 7:7-1.5, Definitions, as described in table of rule changes
N.J.A.C. 7:7E-3.29	Reserved (no content)	Repealed
N.J.A.C. 7:7E-3.30	Reserved (no content)	Repealed
N.J.A.C. 7:7E-3B	Information required in wetland and intertidal and subtidal shallows mitigation proposals	Substance moved to N.J.A.C. 7:7-17, Mitigation
N.J.A.C. 7:7E-5A.1	Purpose and scope of section on impervious cover and vegetative cover percentages in the upland waterfront development area	Repealed because redundant with new N.J.A.C. 7:7-13.1
N.J.A.C. 7:7E-7.3A	Marina Development	Repealed because standards were outdated and overly prescriptive. Standards for marina construction addressed in N.J.A.C. 7:7-15.2 (resort/recreational use), 7:7-15.11 (coastal engineering), 7:7-16.3 (water quality) and 7:7-16.12 (traffic), as well as in permits-by-rule and general permits for specific marina activities at 7:7-4 and 7:7-6.
N.J.A.C. 7:7E-8.3	Reserved (no content)	Repealed
N.J.A.C. 7:7E-8.9	Reserved (no content)	Repealed
N.J.A.C. 7:7E-8.15 through 8.21	Reserved (no content)	Repealed
N.J.A.C. 7:7E Appendix 1	Design standards and specifications- Appendix consisting of 15 figures depicting various special areas, waterbody types, and OCS oil and gas leasing areas	Repealed; figures are outdated and no longer relevant to the rules

N.J.A.C. 7:7E Appendix 2	Reserved (no content)	Repealed
N.J.A.C. 7:7E Appendix 4	Reserved (no content)	Repealed

Appendix 2: Discussion of Additional Program Change Approval Criteria

In accordance with the draft rule changes to NOAA’s program change approval procedures, the following sections address additional criteria for approving the routine program change to the NJCMP.

2A. Changes or additions to the State’s federal consistency list or geographic location descriptions

The Department is not requesting approval of any changes or additions to the federal consistency list or geographic location descriptions at this time.

2B. Changes to Necessary Data and Information

The Department is not requesting approval of any changes to Necessary Data and Information

2C. NOAA’s decision criteria

The Department believes that the CZM Rules, as amended, meet NOAA’s eight decision criteria for enforceable policies.

2D. Impacts relating to other federal laws

The adopted rules do not impact any federal laws. Some of the CZM Rules serve to support the operation of federal laws, as described below. In no case does any provision attempt to supersede or infringe upon federal law. In addition, the following condition applies to all permits issued under the CZM Rules: “The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a coastal permit.”

1. Resources or interests of any federally-recognized American Indian or Alaska Native tribal government

The CZM Rules do not affect the resources or interests of American Indian tribal government.

2. Threatened or endangered species under the federal Endangered Species Act

The adopted rules maintain protections for threatened and endangered species under several provisions, including N.J.A.C. 7:7-9.36, Endangered or threatened wildlife or plant species habitats and N.J.A.C. 7:7-9.37, Critical wildlife habitats. Timing restrictions

on certain activities, such as beach maintenance and dredging, are applied to protect threatened and endangered species. Subchapter 11 (N.J.A.C. 7:7-11) sets forth standards for conducting and reporting the results of or threatened wildlife or plant species habitat impact assessments and endangered or threatened wildlife species habitat evaluations, which allow the Department to assess whether a proposed activity in the coastal zone would impact threatened or endangered species, including those protected under the ESA.

3. Historic properties designated under the National Historic Preservation Act

The adopted rules maintain protection of historic resources, including properties designated under the National Historic Preservation Act. N.J.A.C. 7:7-9.34 establishes standards for historic and archaeological resources. These standards have not been substantively amended since their last approval by OCM.

4. Essential fish habitat designated under the Magnuson Stevens Fishery Conservation and Management Act

The adopted rules maintain protections of fish habitat under various provisions, including: N.J.A.C. 7:7-9.5, Finfish migratory pathways; N.J.A.C. 7:7-9.13, Shipwreck and artificial reef habitats; and N.J.A.C. 7:7-16.2, Marine fish and fisheries. These rules were not substantively amended in any regulatory changes submitted in this request.

5. Marine mammals managed under the Marine Mammal Protection Act

The CZM Rules do not contain any specific standards related to the Marine Mammal Protection Act.

6. Other resources managed under other federal agencies

N.J.A.C. 7:7-9.44 contains standards for development in wild and scenic river corridors, including all rivers designated into the National Wild and Scenic Rivers System and any rivers or segments thereof being studied for possible designation into that system pursuant to the National Wild and Scenic Rivers Act (16 U.S.C. §§ 1271-1278), that are consistent with the requirements of that Act.

2E. The state shall identify the state's website where the public notices for the notification and submission requests are or will be and where, if applicable, state documents related to the request may be viewed.

The Department will post the public notice for notification and submission requests on the NJCMP webpage at <http://nj.gov/dep/cmp/>

The rule proposals referenced in this request can be found in the Department's proposal archive at http://www.nj.gov/dep/rules/notices_archive.html. The adoption documents can be found in the Department's adoption archive at http://www.nj.gov/dep/rules/adopt_archive.html.

2F. Any substantive correspondence between the state and federal agencies (not including NOAA's Office for Coastal Management) concerning the development of the changes that are the subject of the program change request

As part of the 2015 rulemaking, NJCMP staff consulted with Delaware Coastal Management Program (DECMP) staff on the proposed changes regarding the 12-mile circle through several conference calls. DECMP staff submitted formal written comments on the proposed rule language which are part of the public record (see attached comment/response 150). In response to the DECMP's comments, the rule language was revised on adoption to more closely track the Court's findings in the State of New Jersey v. State of Delaware (2008) and to require an applicant to notify the DECMP when a proposed activity or project is proposed within the 12-mile circle and/or within 200 feet of the 12-mile circle boundary.

2G. Indicate if the program change was developed pursuant to section 309 of the Act and, if so, shall state the strategy title and years the strategy was carried out

This program change was not developed pursuant to a Section 309 strategy.

2H. Indicate if the program change was developed as a necessary action pursuant to section 312 of the Act and, if so, shall briefly describe the necessary action.

This program change was not developed as a necessary action pursuant to Section 312.

Appendix 3: Federal, State, and Local Agency Notice and Mailing List

Appendix 3A: Content of Notice Letter



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Land Use Management

401 East State St. 7th Fl

P.O. Box 420

Mail Code 401-07B

Trenton, New Jersey 08625-0420

Phone: 609-292-2178

Fax: 609-633-0750

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

June 12, 2017

RE: Program Change to New Jersey's Federally approved Coastal Management Program

Dear Sir/Madam:

This letter is to inform you that the New Jersey 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 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).

The Federal regulations at 15 CFR 923.80 through 923.84 require states with approved coastal management programs to submit any changes or amendments to their coastal management programs to the Office of Ocean and Coastal Resource Management so that they can determine if the program, after the change, remains approvable. Amendments are defined at 15 CFR 923.80(d) as substantial changes in, or substantial changes 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. The Department has determined that the above actions do not result in a substantial change related to the five program approvability areas listed above and are therefore considered a routine program change. The routine program change package will be available on the New Jersey Coastal Management Program's website at www.nj.gov/dep/cmp/czm_news.html on June 19, 2017.

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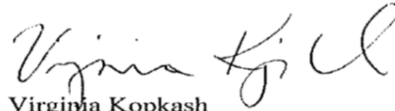
The Department will be submitting the program change to NOAA on **June 19, 2017**. Notice of the submission of the routine program change to NOAA will be published in the June 19, 2017, New Jersey Register and can be viewed at www.nj.gov/dep/cmp/czm_news.html.

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:

Joelle Gore, Chief
Stewardship Division
Office of Coastal Management
SSMC4, Room 10622
1305 East West Highway
Silver Spring, MD 20910

Should you have any questions concerning this program change, please contact Kim Springer of my staff at (609) 633-2201.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Kopkash".

Virginia Kopkash
New Jersey Coastal Program Manager

Appendix 3B: Mailing List

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New Jersey Field Office
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Commander Robert Huller
US Department of Homeland Security
United States Coast Guard
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Mr. Mario Del Vicario
Chief, Communities & Ecosystems
Protection Branch
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Mr. Don Benczkowski, Assistant
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Hudson County Planning Board
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Mr. Edward Sampson, Director
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Mr. George Ververides, Director
Middlesex County Planning Board
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Kamal Saleh, Planning Board Secretary
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