

Section I. Introduction

The New Jersey Coastal Management Program (NJCMP) is requesting approval by the Office of Ocean and Coastal Resource Management (OCRM) to incorporate the following into the NJCMP: regulatory amendments to the Coastal Zone Management (CZM) rules regarding endangered and threatened wildlife and plant species habitat, Atlantic City, endangered or threatened wildlife or plant species habitat evaluations and impact assessments, energy use, high-rise structures and scenic resources that were adopted September 7, 2010; regulatory amendments to the Coastal Permit Program rules regarding the addition of permits-by-rule and coastal general permits for the construction of wind turbines and solar panels, and the exemption of certain wind and solar developments from requiring a coastal permit that were adopted September 7, 2010; the NJDEP Large Scale Wind Turbine Siting Map; and the NJDEP Technical Manual for Evaluating Impacts of Wind Turbines Requiring Coastal Permits, September 7, 2010. A summary of the proposed changes to the NJCMP follows:

- On September 7, 2010, the Department adopted regulatory amendments to its CZM rules, N.J.A.C. 7:7E that modify setbacks for wind and solar development, identify particular areas where construction of large scale wind turbines would not be appropriate, and set forth monitoring, habitat evaluation and impact assessment requirements for birds, bats and marine organisms. In addition, the amendments allow the construction of a small-scale demonstration wind energy facility in the ocean waters of the State to assist in assessing the impacts of such a facility. These amendments were effective on September 7, 2010. Because the regulatory amendments change existing enforceable policies of the NJCMP, the Department is seeking to include the amendments to the Endangered and threatened wildlife and plant species habitat rules, N.J.A.C. 7:7E-3.38; Atlantic City rules, N.J.A.C. 7:7E-3.49; Standards for conducting endangered or threatened wildlife or plant species habitat impact assessments; Energy facility use rule, N.J.A.C. 7:7E-7.4, High-rise structures rule, N.J.A.C. 7:7E-7.14; and Scenic resources and design rule, N.J.A.C. 7:7E-8.12. into New Jersey's approved CMP as enforceable policies;
- On September 7, 2010, the Department adopted regulatory amendments to its Coastal Permit Program rules, N.J.A.C. 7:7 to add a new permit-by-rule and two new coastal general permits for the construction of wind turbines on land; add a new permit-by-rule for the construction of solar panels; and describe the situations in which construction of a wind turbine or solar panel does not require a coastal permit. Because the regulatory amendments change existing enforceable policies of the NJCMP, the Department is seeking to include the amendments to Definitions, N.J.A.C. 7:7-1.3; CAFRA, N.J.A.C. 7:7-2.1; Waterfront development, N.J.A.C. 7:7-2.3; Application contents, N.J.A.C. 7:7-4.2; Permits-by-rule, N.J.A.C. 7:7-7.2; and the addition of two new coastal general permits, Coastal general permit for the 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, N.J.A.C. 7:7-7.30 and Coastal general permit for the construction of wind turbines less than 250 feet in height and having a cumulative rotor swept area no greater than 20,000 square feet, N.J.A.C. 7:7-7.31 into New Jersey's approved CMP as enforceable policies;

- The Department’s Large Scale Wind Turbine Siting Map identifies areas on land where wind turbines 200 feet in height or taller or having a cumulative rotor swept area of greater than 4,000 square feet are unacceptable due to the operational impacts of the turbines on birds. Areas identified on the Map are those areas where the Department currently has enough wildlife data to make the determination that large-scale turbines pose a significant risk to birds. The Department is seeking approval to incorporate this Map into the NJCMP as an enforceable policy;
- To assess the impacts of wind turbines on birds, bats and in tidal waters marine organisms, the Department has developed habitat evaluation, impact assessment and pre- and post-construction monitoring guidelines that consist of survey protocols specific to the location of the wind turbine, on land or in tidal waters. These guidelines and survey protocols are contained within the Department’s *Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits*, dated September 2010. The results of the monitoring will be used by the Department to evaluate the impacts of wind turbines, determine the extent to which operations are causing direct mortality to birds and bats, and the effects of construction on marine organisms. The Department is seeking to incorporate the technical manual into New Jersey’s approved CMP as an enforceable policy.

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

This submission was prepared in accordance with the requirements for Routine Program Changes as set forth in 15 C.F.R. §923.84 and the guidelines for Routine Program Changes contained in OCRM’s Program Change Guidance (1997).