

New Jersey Coastal Management Program
Section 309 Assessment and Strategy
Summary Document

The federal Coastal Zone Management Act was enacted in 1972 to address the increasing stresses on the nation's coastal areas. The statute creates a voluntary partnership between federal and state government to reduce conflicts between land and water uses in the coastal zone and conserve coastal resources. The goal is to provide for both responsible development in coastal areas and conservation of coastal resources. Subsequent amendments to the Act established a coastal zone enhancement grants program to encourage states to develop changes that would enhance their coastal management programs in one or more of nine enhancement areas. The nine coastal zone enhancement areas are: aquaculture, coastal hazards, cumulative and secondary impacts, energy and government facility siting, marine debris, ocean resources, public access, special area management plans, and wetlands. Each state participating in this program must evaluate its coastal management program in these nine enhancement areas every five years through a process known as a Section 309 Assessment. The Assessment determines the extent to which problems and opportunities for program enhancement exist; determines the effectiveness of existing efforts to address those problems for each of the nine areas listed above; and identifies priority needs for program enhancement. In addition, each state must develop a comprehensive, multi-year Strategy which addresses the priority needs for program enhancement and sets forth specific program changes to be sought under one or more of the enhancement objectives.

Aquaculture

Section 309 Enhancement Objective

Adoption of procedures and policies to evaluate and facilitate the siting of public and private aquaculture facilities in the coastal zone, which will enable States to formulate, administer, and implement strategic plans for marine aquaculture

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

Low X

The level of priority given for this enhancement area reflects the limited suitability of Section 309, with its emphasis on program changes, for addressing the underlying issues and gaps identified. This ranking also considered the enhancement area's relatively low priority for the Coastal Management Office in the overall management of the coastal zone beyond the use of Section 309 funding. However, the Coastal Management Office will continue to coordinate with other NJDEP offices as well as with the Department of Agriculture and other interested parties on Aquaculture related efforts and initiatives as they occur.

2. Will the CMP develop one or more strategies for this enhancement area?

No X

None of the identified needs or gaps are appropriate for section 309 funding as data collection efforts and outreach and communication initiatives are not eligible program changes. Such efforts can be addressed through other CMP funding and through partnership efforts.

Coastal Hazards

Section 309 Enhancement Objective

Prevent or significantly reduce threats to life and property by eliminating development and redevelopment in high-hazard areas, managing development in other hazard areas, and anticipating and managing the effects of potential sea level rise and Great Lakes level change.

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

Medium X

This enhancement area was given a high priority in the previous 309 Strategy, and was a focus of attention over the past five years. A Coastal Services Center fellow is in the middle of a two year fellowship at the Coastal Management Office, developing the Coastal Vulnerability Assessment Protocol described above and piloting it with municipal government. In this assessment, the enhancement area has been given a medium ranking. This ranking does not diminish the enhancement area's greater priority for overall management of the coastal zone. The Coastal Management Office will continue working on the issue of coastal hazards, sea level rise and adaptation climate change in partnership with the NJDEP Office of Climate and Energy, the various National Estuary Programs, the NJ Sea Grant Consortium and the Jacques Cousteau National Estuarine Research Reserve. Elements described in the assessment of coastal hazards will also be addressed through the 309 enhancement strategies identified for SAMP, Wetlands and Ocean Resource Management.

2. Will the CMP develop one or more strategies for this enhancement area?

No X

A strategy for this enhancement area will not be developed. The tasks associated with Coastal Hazards under the current 309 Enhancement Strategy (2006-2011) will be complete and will provide a framework for implementation of actions. Additionally partnerships have been developed with academia, the NJ SeaGrant Program, the Jacques Cousteau National Estuarine Research Reserve and other federal and state programs to address education and outreach, facilitate capacity building at the local level and to implement management measures to address coastal hazards. Work specific to the development of wetlands restoration and adaptation in response to sea level rise and coastal hazards will be addressed in the strategy proposed for the Wetlands enhancement area under this 309 Enhancement strategy.

Cumulative and Secondary Impacts

Section 309 Enhancement Objective

Development and adoption of procedures to assess, consider, and control cumulative and secondary impacts of coastal growth and development, including the collective effect on various individual uses or activities on coastal resources, such as coastal wetlands and fishery resources.

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

High X

Although these issues are important to the Coastal Management Program, they will not be addressed through a specific strategy under this enhancement area but will be addressed through other enhancement areas, as discussed below.

2. Will the CMP develop one or more strategies for this enhancement area?

No X

While no strategy is being developed for this enhancement area, cumulative and secondary impacts will be addressed under other 309 strategies, including consideration of economic value of existing resources. Specifically, the Coastal Management Office has determined that comprehensive planning for Barnegat Bay would be well suited to a SAMP and has developed a strategy for a Barnegat Bay SAMP. Comprehensive planning for the ocean is addressed under the strategy for Ocean Resources and hardening of shorelines can be addressed under the Barnegat Bay SAMP as well as the Wetlands strategy. Although the Coastal Management Office is not proposing the development of a SAMP for the Delaware Bayshore, the area will continue to be addressed through work on the wetlands strategy and on-going 306 activities.

Energy & Government Facility Siting

Section 309 Enhancement Objectives

Adoption of procedures and enforceable policies to help facilitate the siting of energy facilities and Government facilities and energy-related activities and Government activities which may be of greater than local significance

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

High X

Although this enhancement area is important to the Coastal Management Program, it will be addressed under other enhancement areas, as discussed below.

2. Will the CMP develop one or more strategies for this enhancement area?

No X

While no strategy is being developed for this enhancement area, planning for offshore energy development will be addressed under the Ocean Resources strategy. The Coastal Management Office has determined that comprehensive Coastal and Marine Spatial Planning / Ocean SAMP will be the best way to address and manage the growing interest in energy development in coastal and offshore waters. The SAMP strategy contemplates the development of a SAMP for the Barnegat Bay watershed, which is affected by one of New Jersey's four nuclear power plants.

Marine Debris

Section 309 Enhancement Objective

Reducing marine debris entering the Nation's coastal and ocean environment by managing uses and activities that contribute to the entry of such debris

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

Low X

The level of priority given for this enhancement area reflects the limited suitability of Section 309, with its emphasis on program changes, for addressing the underlying issues and gaps identified. This ranking does not diminish the enhancement area's greater priority for overall management of the coastal zone beyond the use of Section 309 funding. Coastal Management Office will continue to focus on a regional approach to marine debris control and removal efforts through section 306 and the MARCO initiative and will contribute, to the extent possible, to assist with other marine debris management efforts within the NJDEP and by other local agencies and organizations with an interest in this enhancement area.

2. Will the CMP develop one or more strategies for this enhancement area?

No X

None of the identified needs or gaps are appropriate for section 309 funding as data collection efforts and outreach initiatives are not eligible program changes. Such efforts can be addressed through other CMP funding and through partnership efforts as indicated above.

Ocean/Great Lakes Resources

Section 309 Enhancement Objective

Planning for the use of ocean resources

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

High X

This enhancement area is given a high priority because of the increased demands placed on the ocean environment and a need to coordinate and plan for the resources and uses in a comprehensive manner to ensure the sustainability of New Jersey's ocean ecosystem which is vital to the state's residents, environment and economy.

2. Will the CMP develop one or more strategies for this enhancement area?

Yes X

The increase in demand to utilize the ocean environment for alternative energy such as wind turbines and conventional sources, such as oil and gas and LNG ports, coupled with the need for better management of existing uses and resources, makes it clear that in order for New Jersey to protect and enhance its resources, uses and economy the NJCMP will have to focus attention on ocean resources management. This will include continuation

of efforts with MARCO and work with federal agencies to advance CMSP and the framework set forth by the Ocean Policy Task Force.

Ocean Strategy

This strategy proposes the development of a coastal and marine spatial plan/ Ocean SAMP for the area offshore of New Jersey as an element of a broader regional planning process as part of the federal framework. The development and adoption of a coastal and marine spatial plan / Ocean SAMP will require revisions to New Jersey's enforceable policies. Federal consistency under the Federal Coastal Zone Management Act (CZMA), with its reliance on enforceable policies, is the key authority available to New Jersey to influence and manage activities proposed in federal waters off our shore.

The strategy will involve defining State objectives, identifying existing data in consultation with experts, cataloging past and on-going efforts that will help shape the plan, and engaging key stakeholders. The Coastal Management Office will coordinate through MARCO to integrate CMSP efforts throughout the Mid-Atlantic region.

The strategy envisions program changes including a Memorandum of Agreement with federal agencies and Mid Atlantic states to participate on the Regional Planning Body as well as adoption of a coastal and marine spatial plan / Ocean SAMP for areas offshore of New Jersey.

Public Access

Section 309 Enhancement Objective

Attain increased opportunities for public access, taking into account current and future public access needs, to coastal areas of recreational, historical, aesthetic, ecological, or cultural value

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

High X

The high priority given for this enhancement area reflects the suitability of Section 309, with its emphasis on program changes, for addressing the underlying issues identified. It also considers the enhancement area's priority for overall management of the coastal zone beyond the use of Section 309 funding. The NJDEP and the Coastal Management Office are committed to focusing on the adoption of amendments to the Coastal Zone Management Rules to enhance public access to reflect different geographies of the state and differing needs of the public and to alleviate the case-by-case address of public access created by litigation.

2. Will the CMP develop one or more strategies for this enhancement area?

Yes X

The NJDEP released a draft pre-proposal of Public Access rules on August 17, 2010 for public comment and review. The amended pre-proposal provide for the development of Municipal Public Access Plans. The Coastal Management Office anticipates the rule proposal and adoption to be completed during the first year of this enhancement strategy.

Public Access Strategy

This strategy will focus on the proposal, public review and comment and adoption of Public Access Rules.

Special Area Management Planning

Section 309 Enhancement Objective

Preparing and implementing special area management plans for important coastal areas

The Coastal Zone Management Act (CZMA) defines a Special Area Management Plan (SAMP) as “a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone. In addition, SAMPs provide for increased specificity in protecting natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise, or fluctuating water levels of the Great Lakes, and improved predictability in governmental decision making.”

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

High

Determining the best approach for the long-term restoration of Barnegat Bay is one of the priorities of the NJDEP. The OCM views the SAMP as one meaningful tool toward achieving this goal.

2. Will the CMP develop one or more strategies for this enhancement area?

Yes

The CMO has determined that comprehensive planning for Barnegat Bay would be well suited to a SAMP and has developed a strategy for a Barnegat Bay SAMP. Comprehensive planning for the ocean is addressed under the strategy for Ocean Resources. One element of these planning processes would be the identification of the “players” and stakeholder involvement. Although the OCM is not proposing the development of a SAMP for the Delaware Bayshore, the area will continue to be addressed through work on the wetlands strategy and on-going 306 activities.

Special Area Management Plan Strategy

The Coastal Management Office proposes to address the issues affecting Barnegat Bay, including Little Egg Harbor, through a comprehensive management approach. This strategy will consider a suite of management and planning approaches such as land acquisition, restoration planning, regulation and standards, monitoring, and education and outreach. The Barnegat Bay has been the subject of extensive study for years. Barnegat Bay was identified as a Geographic Area of Particular Concern in the 1980 New Jersey Coastal Management Program’s Final Environmental Impact Statement and designated an estuary of national significance and part of the National Estuary Program in 1995. This strategy will develop a Special Area Management Plan for the Barnegat Bay watershed that builds on existing partnerships and ongoing work with the goal of restoring the health and vitality of the Barnegat Bay. In addition, on December 9, 2010, Governor Christie released a 10 Point Action Plan designed to stem the continued degradation and habitat loss of the Barnegat Bay. Governor Christie’s Action Plan recognized the contribution of a SAMP as a planning tool to improve coordination amongst planning jurisdictions and multiple policy and regulatory guidelines. The NJDEP is committed to implementing the Governor’s 10 Point Plan.

Utilizing the existing state regulatory framework and local plans, ordinances and development policies (codes), a framework of coordinated land use and development policies will be employed. The Special Area Management Plan is proposed to guide decision making at the state level, including programs, planning and permitting and at the local level (ordinances and codes) with the goal of improving the health of the Barnegat Bay.

It is anticipated that this approach will provide revised guidelines, procedures and policy documents which will be formally adopted by the state and provide specific interpretations of enforceable CZM program policies for the Barnegat Bay watershed. This enhancement strategy will also include review of opportunities to expand the current coastal zone boundary (as identified in the approved Coastal Management Plan) to be consistent with the Coastal Nonpoint Pollution Control (watershed) boundary in order to comprehensively address the issues adversely impacting the Barnegat Bay. The SAMP process working in concert with the Governor's Ten Point Action Plan may also provide an opportunity to integrate municipal public access plans and a comprehensive restoration strategy should these products be identified as a priority through the stakeholder process.

It has also been identified under the Ocean/Great Lakes Resources strategy that a coastal and marine spatial planning / Ocean SAMP is being proposed to address the management and competing uses of offshore resources.

Wetlands

Section 309 Enhancement Objective

Protection, restoration, or enhancement of the existing coastal wetlands base, or creation of new coastal wetlands

Enhancement Area Prioritization

1. What level of priority is the enhancement area for the coastal zone (including, but not limited to, CZMA funding)?

Medium X

The Medium priority given for this enhancement area reflects the suitability of Section 309, with its emphasis on program changes, for addressing the underlying issues identified and the importance of wetlands to the coastal ecosystem.

2. Will the CMP develop one or more strategies for this enhancement area?

Yes X

Coastal wetlands are a major component of the coastal ecosystem that provide multiple ecosystem services as well as a first defense against coastal storms and a rising sea level. A strategy has been developed to evaluate and encourage alternative shoreline stabilization techniques that maintain existing wetlands and support tidal wetlands restoration

Wetlands Strategy

New or revised coastal management and restoration programs and/or guidelines, procedures and policy documents are being proposed for as a Wetlands strategy. The strategy proposes to identify adaptive and/or alternative shoreline stabilization strategies to protect and enhance tidal wetlands as well as to identify the geographic areas and situations best suited to the implementation of the strategies. Education and outreach would be a component of this strategy to promote awareness of these alternative approaches and their benefits to the coastal ecosystem. This strategy will also address the development of guidelines and enforceable policies supportive of the use of living shorelines or other adaptive management strategies as alternatives to or in conjunction with new or retrofitted shoreline stabilization structures.

The proposed strategy is the most appropriate means to address this priority need as it builds on ongoing monitoring of wetlands and pilot living shoreline projects, learning from these experiences to develop enforceable policies that promote living shorelines. Thus, the strategy builds on existing partnerships at all levels of government, non-governmental organizations, and academia to successfully achieve science-based strategies that may be adapted to the specific challenges of individual coastal areas around the state (tidal riverine, back-bay), and engages partners in education and outreach activities to promote use of living shoreline techniques in coastal areas.