

## Ocean Strategy: Coastal and Marine Spatial Planning

### I. Issue Area(s)

The proposed strategy or implementation activities will support the following priority (high or medium) enhancement area(s) (*check all that apply*):

- |   |  |
|---|--|
| <input type="checkbox"/> Aquaculture                                    | <input type="checkbox"/> <b>Cumulative and Secondary Impacts</b> |
| <input type="checkbox"/> <b>Energy &amp; Government Facility Siting</b> | <input type="checkbox"/> Wetlands                                |
| <input type="checkbox"/> Coastal Hazards                                | <input type="checkbox"/> Marine Debris                           |
| <input type="checkbox"/> <b>Ocean/Great Lakes Resources</b>             | <input type="checkbox"/> Public Access                           |
| <input type="checkbox"/> Special Area Management Planning               |  |

### II. Program Change Description

A. The proposed strategy will result in, or implement, the following type(s) of program changes (*check all that apply*):

- A change to coastal zone boundaries;
- New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding;**
- New or revised local coastal programs and implementing ordinances;
- New or revised coastal land acquisition, management, and restoration programs;
- New or revised Special Area Management Plans (SAMP) or plans for Areas of Particular Concern (APC) including enforceable policies and other necessary implementation mechanisms or criteria and procedures for designating and managing APCs; and,
- New or revised guidelines, procedures and policy documents which are formally adopted by a state or territory and provide specific interpretations of enforceable CZM program policies to applicants, local government and other agencies that will result in meaningful improvements in coastal resource management. [As they may apply to an Ocean SAMP]**

B. Describe the proposed program change(s) or activities to implement a previously achieved program change. If the strategy will only involve implementation activities, briefly describe the program change that has already been adopted, and how the proposed activities will further that program change. (Note that implementation strategies are not to exceed two years.)

Coastal and Marine Spatial Planning (CMSP) is a comprehensive, integrated, science and ecosystem-based approach to address conservation, economic activity and sustainable use of ocean and coastal resources. New Jersey began work in this area with development of an ocean atlas in 2004, gathering data on offshore biological resources through an offshore baseline study from January 2008 through December 2009, and participating via the Mid-Atlantic Regional Council on the Ocean (MARCO) in development of a Mid-Atlantic GIS portal to host and provide access to regional offshore data. The strategy for this enhancement area will build on these efforts. Coincident with the development of a coastal and marine spatial plan for New Jersey's ocean waters, New Jersey will continue to work with MARCO to advance regional issues. This strategy proposes working with the federal government and stakeholders on CMSP to advance the recommendations of the Interagency Ocean Policy Task Force, adopted by the 2010 Federal Executive Order on Stewardship of the Ocean, Coasts, and the Great Lakes.

This strategy proposes the development of a coastal and marine spatial plan for the area offshore of New Jersey as an element of a broader regional planning process and as part of the federal framework. The development and adoption of a coastal and marine spatial plan (or 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.

Using the revised and new enforceable policies and federal consistency tool, the coastal and marine spatial plan can be used to further advance the NJDEP's priorities of developing offshore wind energy and optimizing stewardship of the Atlantic Ocean, its beaches and tributaries.

The key steps New Jersey will take to develop a coastal and marine spatial plan include:

- Identifying objectives;
- Identifying existing efforts that should help shape the marine spatial plan;
- Engaging stakeholders and the public;
- Consulting scientists and technical and other experts;
- Analyzing data, uses, services, and impacts; and
- Preparing a marine spatial plan / Ocean SAMP

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 Executive Order and Ocean Policy Task Force recommendations call for CMSP to be conducted cooperatively by federal and state partners. It calls for the establishment of Regional Planning Bodies, with participants entering into a Memorandum of Agreement, which develop regional goals, objectives and coastal and marine spatial plans in order to decrease user conflict, improve planning and regulatory efficiencies, decrease costs and delays, preserve critical ecosystem functions and services, and engage stakeholders in the future of our oceans and coasts.

The Coastal Management Office anticipates working with other MARCO states to develop and implement a framework for active stakeholder engagement, to ensure concerns and ideas are considered and that stakeholders participate in the planning process, coastal and marine spatial plans. The Coastal Management Office will seek input from stakeholders on local and state concerns, as well as on regional concerns and issues. The Coastal Management Office will continue working with the other MARCO states to develop new and/or enhanced decision support tools for application on the MARCO GIS Portal, which should be online by October 2010. The new and/or enhanced applications will build upon MARCO's efforts to date.

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 for areas offshore of New Jersey.

### **III. Need(s) and Gap(s) Addressed**

Identify what priority need the strategy addresses, and explain why the proposed program change or implementation activities are the most appropriate means to address the priority need. This discussion should reference the key findings of the Assessment and explain how the strategy addresses those findings.

This strategy is intended to address the need for an integrated planning process to manage existing and proposed offshore uses and resources. A framework for considering the multitude of emerging uses vying for space in the ocean is critical for New Jersey. This, coupled with the Executive Order adopting the Ocean Policy Task Force recommendations for regional CMSP, necessitates a 309 strategy that calls for developing a transparent and robust process to achieve the changes necessary to New Jersey's enforceable policies, ensuring our environment and economy are protected and enhanced by these processes. This strategy ensures close coordination with federal agencies working to implement the recommendations of the Ocean Policy Task Force and CMSP and full consideration of New Jersey's concerns through the coastal and marine spatial plan developed and the Federal Consistency provisions of the CZMA.

#### **IV. Benefit(s) to Coastal Management**

Discuss the anticipated effect of the program change or implementation activities including a clear articulation of the scope and value in improved coastal management and resource protection.

CMSP will have definitive benefits to coastal management by developing a comprehensive, integrated, science and ecosystem-based approach to address conservation, economic activity and sustainable use of ocean and coastal resources. CMSP is intended to decrease user conflict, improve planning and regulatory efficiencies, decrease costs and delays, preserve critical ecosystem functions and services while engaging stakeholders in an open process. CMSP provides a means to manage new uses while protecting and enhancing our ocean resources and uses.

#### **V. Likelihood of Success**

Discuss the likelihood of attaining the proposed program change and implementation activities. The state or territory should address: 1) the nature and degree of support for pursuing the strategy and the proposed change; and, 2) the specific actions the state or territory will undertake to maintain or build future support for achieving and implementing the program change, including education and outreach activities.

In August 2010, the NJDEP set forward new priorities, which include optimizing stewardship of the Atlantic Ocean, its beaches and tributaries; managing natural resources in a comprehensive manner that looks at the overall viability and enhancement of species and habitat; and addressing offshore energy. The high priority given to ocean issues speaks to the support of CMSP. Moreover, New Jersey is building on participation in MARCO for well over a year, with an emphasis on offshore renewable energy and ocean habitat protection. Lastly, the Federal Executive Order adopting the recommendations of the Interagency Ocean Policy Taskforce demonstrates a federal commitment to CMSP and to working with states to achieve coastal and marine spatial plans. Continued participation in MARCO and development of the scientific and stakeholder processes as part of any CMSP effort will build support to achieve and implement these programs changes.

#### **VI. Strategy Work Plan**

Using the template below, provide a general work plan that includes the major steps necessary for achieving the program change and/or implementing a previously achieved program change. The plan should identify significant projected milestones/outcomes, a schedule for completing the strategy, and budget estimates. If an activity will span two or more years, it can be combined into one entry (i.e., Years 2-3 rather than Year 2 and then Year 3). While the annual outcomes are a useful guide to ensure the strategy remains on track, OCRM recognizes that these benchmarks may change some over the course of the

five-year strategy due to unforeseen circumstances. The same holds true for the annual budget estimates. If the state intends to fund implementation activities for the proposed program change, describe those in the plan as well. Further detailing of annual tasks, budgets, benchmarks, and work products will be determined through the annual award negotiation process.

**Total Years: 5**

**Total Budget:** \$1,077,952

**Final Outcome(s) and Products:**

A CMSP Memorandum of Agreement between New Jersey and federal agencies to participate on the Regional Planning Body.

A coastal and marine spatial plan / Ocean SAMP for areas offshore of New Jersey.

Revisions to enforceable policies.

**Year(s): 1-2**

**Description of activities:**

As a first step, the Coastal Management Office will develop a work plan for CMSP that will be coordinated with the Regional Planning Body, as applicable. The work plan will identify objectives and stakeholders, agencies, academia and industry that need to be involved in the CMSP process, as well as identify existing authorities relevant to the CMSP effort. The Coastal Management Office will participate in national workshop(s) and CMSP simulation exercises if they are developed by the National Ocean Council and will work to establish the Regional Planning Body. Development of the Regional Planning Body will require a Memorandum of Agreement (MOA). A capacity assessment will be necessary to determine stakeholders and partnerships in order to leverage skill sets and knowledge for CMSP.

The Coastal Management Office will work with the federal agencies and MARCO, as necessary, to develop the stakeholder and scientific participation processes.

As an element of CMSP, the Coastal Management Office will identify potential revisions to enforceable policies.

**Outcome(s):** Work plan; MOA between New Jersey and federal agencies to participate on the Regional Planning Body; Potential revisions to New Jersey's enforceable policies.

**Budget:** \$360,309

**Year(s): 3-5**

**Description of activities:**

In this next phase of CMSP, guided by the work plan, the Coastal Management Office will develop the coastal and marine spatial plan. In addition, revisions to enforceable policies will be proposed, adopted and submitted as a program change to OCRM.

**Outcome(s):** Final coastal and marine spatial plan; Incorporation of revisions to enforceable policies into the NJCMP.

**Budget:** \$717,643

## **VII. Fiscal and Technical Needs**

- A. Fiscal Needs:** If 309 funding is not sufficient to carry out the proposed strategy, identify additional funding needs. Provide a brief description of what efforts the applying agency has made, if any, to secure additional state funds from the legislature and/or other sources to support this strategy.

Although it is anticipated that the 309 funding (if funded at current levels) will be sufficient for staffing to carry-out this proposed strategy, the Coastal Management Office intends to pursue additional federal funding opportunities that can further regional CMSP as they become available, such as the current NOAA Coastal Services Center competitive grant funding for Regional Ocean Partnerships . In addition, as noted below, the Coastal Management Office may seek to augment this strategy through a project of special merit, jointly with the other states in the region. Moreover, the Coastal Management Office intends to work closely with others in the NJDEP in this CMSP effort.

- B. Technical Needs:** If the state does not possess the technical knowledge, skills, or equipment to carry out the proposed strategy, identify these needs. Provide a brief description of what efforts the applying agency has made, if any, to obtain the trained personnel or equipment needed (for example, through agreements with other state agencies).

The Coastal Management Office intends to develop CMSP as an integrated process with stakeholders and the scientific community. It is anticipated that the state already possesses the technical knowledge, skills and equipment to carry out the proposed strategy, working with academic institutions, non-governmental organizations, and other state and federal partners to supplement the technical skill set required to complete this strategy.

## **VIII. Projects of Special Merit (Optional)**

If desired, briefly indicate what PSMs the CMP may wish to pursue to augment this strategy. Any activities that are necessary to achieve the program change or that the state intends to support with baseline funding should be included in the strategy above. The information in this section will not be used to evaluate or rank PSMs and is simply meant to provide the CMPs the option to provide additional information if they choose. PSM descriptions should be kept very brief (e.g., undertake benthic mapping to provide additional data for ocean management planning). Do not do provide detailed project descriptions that would be needed for the PSM competition.

Develop decision support tools by examining methodologies such as multi-criteria analysis, participatory modeling and NOAA's Integrated Assessment protocols to determine what techniques will work best for CMSP and decision making over a broad range of resource and use planning, even in light of a lack of data.

Outreach to stakeholders and the scientific community across the Mid-Atlantic region.

## **Public Access Strategy: Propose and Adopt Revisions to Coastal Zone Management Rules pertaining to Public Access**

### **I. Issue Area(s)**

The proposed strategy or implementation activities will support the following priority (high or medium) enhancement area(s) (*check all that apply*):

- |  |   |
|--|---|
| <input type="checkbox"/> Aquaculture                         | <input type="checkbox"/> Cumulative and Secondary Impacts |
| <input type="checkbox"/> Energy & Government Facility Siting | <input type="checkbox"/> Wetlands                         |
| <input type="checkbox"/> Coastal Hazards                     | <input type="checkbox"/> Marine Debris                    |
| <input type="checkbox"/> Ocean/Great Lakes Resources         | <input type="checkbox"/> <b>Public Access</b>             |
| <input type="checkbox"/> Special Area Management Planning    |   |

### **II. Program Change Description**

**A.** The proposed strategy will result in, or implement, the following type(s) of program changes (*check all that apply*):

- A change to coastal zone boundaries;
- New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding;**
- New or revised local coastal programs and implementing ordinances;
- New or revised coastal land acquisition, management, and restoration programs;
- New or revised Special Area Management Plans (SAMP) or plans for Areas of Particular Concern (APC) including enforceable policies and other necessary implementation mechanisms or criteria and procedures for designating and managing APCs; and,
- New or revised guidelines, procedures and policy documents which are formally adopted by a state or territory and provide specific interpretations of enforceable CZM program policies to applicants, local government and other agencies that will result in meaningful improvements in coastal resource management.**

**B.** Describe the proposed program change(s) or activities to implement a previously achieved program change. If the strategy will only involve implementation activities, briefly describe the program change that has already been adopted, and how the proposed activities will further that program change. (Note that implementation strategies are not to exceed two years.)

The NJDEP is proposing to restructure when and how it requires public access to tidal waters and their shorelines under the Coastal Zone Management Rules, N.J.A.C. 7:7E. The proposed changes are in response to the ruling of the Appellate Division (see *Borough of Avalon v. NJ NJDEP of Environmental Protection*, 403 N.J. Super. 590 (App. Div. 2008)), Governor Christie's Executive Order No. 2, the Red Tape Panel recommendations, stakeholder input and the NJDEP commitment to providing public access to tidal waters in a more effective and comprehensive manner. NJDEP proposes to provide improved public access by applying common sense principals of governing, working with local governments, eliminating unnecessary burdens on residents, businesses, and governmental entities, and by bringing other resources to bear to create a comprehensive public access program that is beyond merely

imposing proscriptive regulatory requirements. The proposed rule changes will develop a comprehensive means for the public to have broad, diversified, safe, and reasonable access to tidal waters throughout the State.

### **III. Need(s) and Gap(s) Addressed**

Identify what priority need the strategy addresses, and explain why the proposed program change or implementation activities are the most appropriate means to address the priority need. This discussion should reference the key findings of the Assessment and explain how the strategy addresses those findings.

The proposed program change addresses the two priority needs identified in the Assessment- the need to enhance the public access rules to reflect different geographies of the state and differing needs of the public and to amend the public access rules to prevent case-by-case approach created by litigation. Additionally, this proposed rule change will create the necessary Municipal Public Access Plans and guidelines that will provide allow local entities in the state to consider and implement actions that provide public access to the greatest extent practicable.

### **IV. Benefit(s) to Coastal Management**

Discuss the anticipated effect of the program change or implementation activities including a clear articulation of the scope and value in improved coastal management and resource protection.

The program change will allow the NJDEP to maintain a robust public access policy. The NJDEP recognizes that a one size fits all regulatory approach is not only ineffective and excessively burdensome, but that public access can best be enhanced by recognizing the different geographies of the State and the differing needs of the public.

While the Courts have attempted to ensure minimum rights to the shore through application of the Public Trust Doctrine, its case-by-case approach is inadequate to ensure that comprehensive access to the water is provided to the public. The proposed program change will create a broader and more effective policy approach.

The NJDEP believes that the public's need to access the water is vital to the State's economy and quality of life for our residents. Ocean and shore access in large part define New Jersey as a community. The ocean, shore and tidal waterways are also inextricably tied to the State's economic health and well-being. Tourism, mostly tied to the shore communities, is a \$38 billion a year industry. The quality of life in this State is directly linked to its proximity to the Atlantic Ocean and other coastal and tidal waterways. It is in the public's best interest to enhance access to the greatest extent practicable and in all reasonable manners. The proposed rules, which are part of a larger effort to promote and enhance access, are intended to do that.

### **V. Likelihood of Success**

Discuss the likelihood of attaining the proposed program change and implementation activities. The state or territory should address: 1) the nature and degree of support for pursuing the strategy and the proposed change; and, 2) the specific actions the state or territory will undertake to maintain or build future support for achieving and implementing

the program change, including education and outreach activities.

As part of its intent to maintain a robust public access policy, the NJDEP engaged in a thorough review of its public access regulations and policies. Part of that review consisted of stakeholder meetings seeking input from representatives of marine trades, environmental and recreational interests, business and industry, and coastal zone municipalities. The attendees were given a draft of the proposed amendments and in addition to comments received at the meeting, written comments were accepted. The NJDEP made several changes to the proposal as a result of the comments. In light of this effort to gather as much stakeholder input as necessary, the NJDEP feels that it has the support for pursuing this strategy and the proposed changes. Additionally, the proposed program change has political support within the new administration. The Coastal Management Office and the NJDEP will be guided in its rule amendment effort by the standards set forth in Governor Christie's Executive Order No. 2 which stipulate that rules be governed by a set of "common sense principles." A State Red Tape Review Group's Findings and Recommendations (April 19, 2010) also determined that elements of the existing public access rule needed revision.

In order to maintain or build future support for achieving and implementing the program change, the NJDEP plans to assist and provide incentives for municipalities to create Municipal Public Access Plans to plan for and enhance access opportunities; set aside Green Acres and other resources to help municipalities implement their plans; and effectively communicate with the public so that people know of, and can take advantage of, the many public access opportunities that exist throughout the State. The NJDEP plans to establish teams of professionals to work with municipal officials to put together Municipal Public Access Plans with the intent of enhancing the public's access to tidal waters in a more comprehensive manner rather than the current, limited, purely regulatory approach. The NJDEP will also provide the public with the information it needs to be able to choose the most appropriate location to enjoy the State's coastal and tidal waters. Families will know what beaches are best for their needs and those wanting a more secluded experience will know where these beaches exist and how to access them. Effective communication will allow the public to make informed decisions.

## **VI. Strategy Work Plan**

Using the template below, provide a general work plan that includes the major steps necessary for achieving the program change and/or implementing a previously achieved program change. The plan should identify significant projected milestones/outcomes, a schedule for completing the strategy, and budget estimates. If an activity will span two or more years, it can be combined into one entry (i.e., Years 2-3 rather than Year 2 and then Year 3). While the annual outcomes are a useful guide to ensure the strategy remains on track, OCRM recognizes that these benchmarks may change some over the course of the five-year strategy due to unforeseen circumstances. The same holds true for the annual budget estimates. If the state intends to fund implementation activities for the proposed program change, describe those in the plan as well. Further detailing of annual tasks, budgets, benchmarks, and work products will be determined through the annual award negotiation process.

**Total Years:** 1

**Total Budget:** \$89,333

**Final Outcome(s) and Products:** Proposed and Adopted Public Access Rules

Coastal Zone Management Rule Amendments - Public Access requirements: N.J.A.C. 7:7-1.3, 7.5 through 7.14, 7.17, 7.18, 7.24, 7.26, 7.29; N.J.A.C. 7:7E-1.8, 3.22, 3.23, 3.43, 3.48, 3.50, 7.2, 7.3, 7.4, 7.7, 7.11, 8.11, 8.12, and 8A

**Year(s):** 1

**Description of activities:** Based on feedback and suggestions from stakeholders, amendments to the CZM rules and Coastal Permit Program Rules will be drafted. These amendments will be proposed via publication in the New Jersey Register. Comments will be accepted for 60 days. All comments submitted on the proposal will be summarized and responded to. The NJDEP will complete the summary of comments and responses to comments. Any necessary revisions will be made to the rule based on comments received. Rule adoption will be completed

**Outcome(s):** Proposed changes to CZM and Coastal Permit Program Rules pertaining to public access are published. Comments are received and responded to. Final public access rules adopted.

**Budget:** \$89,333

## VII. Fiscal and Technical Needs

**A. Fiscal Needs:** If 309 funding is not sufficient to carry out the proposed strategy, identify additional funding needs. Provide a brief description of what efforts the applying agency has made, if any, to secure additional state funds from the legislature and/or other sources to support this strategy.

It is anticipated that the 309 funding (if funded at current levels) will be sufficient to carry-out this proposed strategy.

**B. Technical Needs:** If the state does not possess the technical knowledge, skills, or equipment to carry out the proposed strategy, identify these needs. Provide a brief description of what efforts the applying agency has made, if any, to obtain the trained personnel or equipment needed (for example, through agreements with other state agencies).

N/A

## VIII. Projects of Special Merit (Optional)

If desired, briefly indicate what PSMs the CMP may wish to pursue to augment this strategy. Any activities that are necessary to achieve the program change or that the state intends to support with baseline funding should be included in the strategy above. The information in this section will not be used to evaluate or rank PSMs and is simply meant to provide the CMPs the option to provide additional information if they choose. PSM descriptions should be kept very brief (e.g., undertake benthic mapping to provide additional data for ocean management planning). Do not do provide detailed project descriptions that would be needed for the PSM competition.

This strategy will not require application for a Project of Special Merit.

## Special Area Management Plan Strategy: SAMP for the Barnegat Bay and Watershed

### I. Issue Area(s)

The proposed strategy or implementation activities will support the following priority (high or medium) enhancement area(s) (*check all that apply*):

- |  |   |
|--|---|
| <input type="checkbox"/> Aquaculture                             | <input type="checkbox"/> Cumulative and Secondary Impacts |
| <input type="checkbox"/> Energy & Government Facility Siting     | <input type="checkbox"/> Wetlands                         |
| <input type="checkbox"/> Coastal Hazards                         | <input type="checkbox"/> Marine Debris                    |
| <input type="checkbox"/> Ocean/Great Lakes Resources             | <input type="checkbox"/> Public Access                    |
| <input type="checkbox"/> <b>Special Area Management Planning</b> |   |

### II. Program Change Description

A. The proposed strategy will result in, or implement, the following type(s) of program changes (*check all that apply*):

- A change to coastal zone boundaries;**
- New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding;**
- New or revised local coastal programs and implementing ordinances;
- New or revised coastal land acquisition, management, and restoration programs;**
- New or revised Special Area Management Plans (SAMP) or plans for Areas of Particular Concern (APC) including enforceable policies and other necessary implementation mechanisms or criteria and procedures for designating and managing APCs; and,**
- New or revised guidelines, procedures and policy documents which are formally adopted by a state or territory and provide specific interpretations of enforceable CZM program policies to applicants, local government and other agencies that will result in meaningful improvements in coastal resource management.**

B. Describe the proposed program change(s) or activities to implement a previously achieved program change. If the strategy will only involve implementation activities, briefly describe the program change that has already been adopted, and how the proposed activities will further that program change. (Note that implementation strategies are not to exceed two years.)

The tidal waters of the Barnegat Bay estuary and its watershed face numerous challenges, including the loss of freshwater and coastal wetlands and submerged aquatic vegetation, eutrophication, loss of forests and open space, losses of riparian buffers and shorelines, increased shoreline hardening, failed and inadequate stormwater infrastructure, increasing development, extensive use of fertilizers, and entrainment, impingement and thermal impacts of discharges from Oyster Creek Nuclear Generating Station.

The Coastal Management Office proposes to address the issues affecting Barnegat Bay, including Little Egg Harbor, through a comprehensive ecosystem based management approach. This strategy will work in concert with NJDEP's implementation of Governor Christie's 10 Point

Plan for the Barnegat Bay and the existing efforts of the Barnegat Bay National Estuary Program's CCMP. The strategy proposes to 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.

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.

### **III. Need(s) and Gap(s) Addressed**

Identify what priority need the strategy addresses, and explain why the proposed program change or implementation activities are the most appropriate means to address the priority need. This discussion should reference the key findings of the Assessment and explain how the strategy addresses those findings

The Coastal Management Office has identified the SAMP enhancement area as having a high priority overall and identified as a high priority gap within that enhancement area a "Comprehensive plan for Barnegat Bay watershed; regional approach with direct link to DEP regulations." Ocean and Monmouth Counties adjacent to Barnegat Bay have been among the fastest growing regions in New Jersey, with a year-round population of more than 500,000 people that more than doubles during the summer season. The Special Area Management Planning approach enables the recognition and coordination of other entities working towards restoration of the Barnegat Bay. These include the Barnegat Bay National Estuary Program activities and the NJDEP efforts, including watershed restoration, planning and regulatory programs. The SAMP process will work with these other efforts and stakeholders to examine challenges, opportunities, and policy solutions to guide development. This strategy also results in a coordinated approach to addressing future permitting and policy decision-making by producing a framework of standards and conditions specific to the goals of restoring the health and vitality of the Barnegat Bay.

### **IV. Benefit(s) to Coastal Management**

Discuss the anticipated effect of the program change or implementation activities including a clear articulation of the scope and value in improved coastal management and resource protection.

Developing a Special Area Management Plan for this area will facilitate the coordination of local, state and federal initiatives resulting in a greater likelihood of success toward restoring the health of this fragile ecosystem. The ‘haphazard’ approach to planning and permitting referenced in the September 16, 2010 Barnegat Bay Research Prospectus<sup>1</sup> has been identified as a key component of the Bay’s decline. A comprehensive framework of coordinated regulations, policies, monitoring, restoration and acquisition strategies at all levels of government will begin to address the causes of degradation and thus increase the likelihood of improved ecosystem health

The timing of this approach is also auspicious as there is a great deal of support at all levels of government for a comprehensive approach. The Coastal Management Program is in a unique position to lead this strategy as the CZM rules address many of the development and resource issues identified and the Coastal Management Program in New Jersey is a networked program within the NJDEP facilitating access to other programs with oversight for programs affecting the Barnegat Bay. This comprehensive strategy will also integrate other Coastal Management Office initiatives ongoing in the coastal area of Barnegat Bay, including wetlands monitoring, the impact of sea level rise and the development of adaptation strategies such as the use of living shorelines. Policy recommendations will be developed for incorporation into the SAMP, taking into account the needs of diverse communities within the watershed.

## **V. Likelihood of Success**

Discuss the likelihood of attaining the proposed program change and implementation activities. The state or territory should address: 1) the nature and degree of support for pursuing the strategy and the proposed change; and, 2) the specific actions the state or territory will undertake to maintain or build future support for achieving and implementing the program change, including education and outreach activities.

The Governor and the NJDEP Commissioner have identified the Barnegat Bay as an area of particular concern and committed to an ongoing stakeholder process and to work towards the restoration of Barnegat Bay. The Barnegat Bay Partnership, its stakeholders and the NJDEP have been actively engaged in public outreach meetings over the past six months to consider ideas to restoring the health and sustainability of the Bay. Legislative hearings on the health of the Bay have also been held recently. Given this attention and focus, the likelihood of attaining the proposed program change is high. The proposed actions include a review and coordination of existing regulations, policies, programs and plans to establish approaches that can be applied to achieving the goal of restoring the health of Barnegat Bay. The use of state and local regulations and policies are key to achieving success. Existing local government and non-governmental organization partnerships as well as an ongoing NJDEP stakeholder process provide an opportunity to capitalize on education and outreach activities. One of the most important priorities is to improve the recognition and understanding of the Bay’s condition and to work towards addressing

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<sup>1</sup> Barnegat Bay Prospectus: Research Priorities for the Barnegat Bay-Little Egg Harbor Estuary to Support Science-Based Watershed Management, September 16, 2010.

the causes of the Bay's decline. Education and outreach in addition to rules, regulations and policies must be coordinated to achieve a positive solution.

## **VI. Strategy Work Plan**

Using the template below, provide a general work plan that includes the major steps necessary for achieving the program change and/or implementing a previously achieved program change. The plan should identify significant projected milestones/outcomes, a schedule for completing the strategy, and budget estimates. If an activity will span two or more years, it can be combined into one entry (i.e., Years 2-3 rather than Year 2 and then Year 3). While the annual outcomes are a useful guide to ensure the strategy remains on track, OCRM recognizes that these benchmarks may change some over the course of the five-year strategy due to unforeseen circumstances. The same holds true for the annual budget estimates. If the state intends to fund implementation activities for the proposed program change, describe those in the plan as well. Further detailing of annual tasks, budgets, benchmarks, and work products will be determined through the annual award negotiation process.

**Total Years: 5**

**Total Budget: \$1,077,952**

**Final Outcome(s) and Products: Special Area Management Plan for the Barnegat Bay and Watershed**

### **Year(s): 1**

**Description of activities:** Define the geographic scope of the proposed plan. Convene an internal (to NJDEP) stakeholder team to assess rules, regulations, standards, policies, programs and Departmental Plans that affect ongoing activities in the Barnegat Bay watershed. Convene or work with existing local government, non-governmental organizations, state and federal programs and other existing working groups to identify priority issues of concern for the Barnegat Bay Watershed, ongoing local initiatives to address these issues, and objectives of the SAMP for the Barnegat Bay and Watershed.

**Outcome(s):** Phase I Identification of objectives of the SAMP for the Barnegat Bay and Watershed and rules, policies, regulations, standards, programs and actions to be evaluated for inclusion in the SAMP for the Barnegat Bay and Watershed. Also identify necessary changes to be evaluated and mechanisms to implement changes (e.g. new authorities, change to rules, standards, development of new plans, Administrative Orders, Memoranda of Agreement)

**Budget: \$178,666**

### **Year(s): 2**

**Description of activities:** Phase 2 - Continue to identify the scope and breadth of activities and changes which may be considered under this enhancement strategy. Continue to evaluate necessary changes and begin revisions to standards, rules, plans, and policies that support restoration of Barnegat Bay. Begin to develop mechanisms to implement proposed changes. Identify components of the SAMP for the Barnegat Bay and Watershed. Develop a small grant program at local level to facilitate changes or development to ordinances/local plans that

implement proposed changes or new standards. Increase education and outreach activities to gain support for proposed changes.

**Outcome(s):** Draft revisions to standards, rules, plans, policies that support restoration of Barnegat Bay. Status reports on development of the SAMP for the Barnegat Bay and Watershed and timeline for completion of each component of the plan being considered.

**Budget:** \$181,643

**Year(s):** 3

**Description of activities:** Continue to work towards developing the framework of proposed changes (for example, changes in rules or regulations; adoption of ordinances; MOAs or AOs). Roll-out of the framework for a draft SAMP for the Barnegat Bay and Watershed including identification of roles and responsibilities of each participating entity, objectives, and issues proposed changes will address. Depending on need, fund second year of small local grant program. Continue outreach and education on process in coordination with ongoing working groups.

**Outcome(s):** Status report on each action and draft SAMP for the Barnegat Bay and Watershed framework (including suggested priority action items).

**Budget:** \$181,643

**Year(s):** 4

**Description of activities:** Begin implementation of proposed changes/additions/modifications to identified rules, standards, policies, management/restoration/acquisition/monitoring plans at state and local levels. Respond to comments on draft framework for the SAMP for the Barnegat Bay and Watershed. Begin to develop final SAMP for the Barnegat Bay and Watershed

**Outcome(s):** Draft SAMP for the Barnegat Bay and Watershed; rule changes/amendments, new or revised policies, plans and administrative mechanisms (AO, MOAs).

**Budget:** \$181,643

**Year(s):** 5

**Description of activities:** Finalize 'final draft' of the SAMP for the Barnegat Bay and Watershed. Implementation of activities proposed (e.g. rules, policies, plans). Submit Final Barnegat Bay SAMP to NOAA for consideration and approval. Begin to work on Program Change Document submission to NOAA.

**Outcome(s):** Final draft SAMP for the Barnegat Bay and Watershed to NOAA for review and approval; draft Program Change Document.

**Budget:** \$181,643

## **VII. Fiscal and Technical Needs**

**Fiscal Needs:** If 309 funding is not sufficient to carry out the proposed strategy, identify additional funding needs. Provide a brief description of what efforts the applying agency has made, if any, to secure additional state funds from the legislature and/or other sources to support this strategy.

It is anticipated that the 309 funding (if funded at current levels) will be sufficient to carry-out this proposed strategy. The active support by this administration for the restoration of Barnegat Bay should allow the Coastal Management Office to leverage funds to help with the advance of this strategy. Much of the work proposed will be conducted with the assistance of others in networked programs that have a role in facilitating restoration of the Barnegat Bay watershed.

**Technical Needs:** If the state does not possess the technical knowledge, skills, or equipment to carry out the proposed strategy, identify these needs. Provide a brief description of what efforts the applying agency has made, if any, to obtain the trained personnel or equipment needed (for example, through agreements with other state agencies).

It is anticipated that the state already possesses the technical knowledge, skills and equipment to carry out the proposed strategy. Within the Coastal Management Office and networked programs within NJDEP, staff possess many years of experience in monitoring, modeling, planning and research as well as facilitating education and outreach programs. The existing local government, NGO, academic and other state and federal partners will add to the technical skill set required to complete this strategy.

## **VIII. Projects of Special Merit (Optional)**

It is not anticipated that this strategy will require application for a Project of Special Merit.

## Wetlands Strategy: Living Shorelines Approach

### I. Issue Area(s)

The proposed strategy or implementation activities will support the following priority (high or medium) enhancement area(s) (*check all that apply*):

- |  |   |
|--|---|
| <input type="checkbox"/> Aquaculture                         | <input type="checkbox"/> Cumulative and Secondary Impacts |
| <input type="checkbox"/> Energy & Government Facility Siting | <input type="checkbox"/> <b>Wetlands</b>                  |
| <input type="checkbox"/> Coastal Hazards                     | <input type="checkbox"/> Marine Debris                    |
| <input type="checkbox"/> Ocean/Great Lakes Resources         | <input type="checkbox"/> Public Access                    |
| <input type="checkbox"/> Special Area Management Planning    |   |

### II. Program Change Description

A. The proposed strategy will result in, or implement, the following type(s) of program changes (*check all that apply*):

- A change to coastal zone boundaries;
- New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding;**
- New or revised local coastal programs and implementing ordinances;
- New or revised coastal land acquisition, management, and restoration programs;**
- New or revised Special Area Management Plans (SAMP) or plans for Areas of Particular Concern (APC) including enforceable policies and other necessary implementation mechanisms or criteria and procedures for designating and managing APCs; and,
- New or revised guidelines, procedures and policy documents which are formally adopted by a state or territory and provide specific interpretations of enforceable CZM program policies to applicants, local government and other agencies that will result in meaningful improvements in coastal resource management.**

C. Describe the proposed program change(s) or activities to implement a previously achieved program change. If the strategy will only involve implementation activities, briefly describe the program change that has already been adopted, and how the proposed activities will further that program change. (Note that implementation strategies are not to exceed two years.)

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.

### **III. Need(s) and Gap(s) Addressed**

Identify what priority need the strategy addresses, and explain why the proposed program change or implementation activities are the most appropriate means to address the priority need. This discussion should reference the key findings of the Assessment and explain how the strategy addresses those findings

New Jersey's extensive coastal shorelines are experiencing the impacts of normal tidal exchange, storm surges, recreational boat wakes and sea level rise. As a result shorelines are eroding, and the increase of shoreline stabilization structures to protect property from these adverse effects continues to result in the loss of coastal habitat. Currently, bulkheads, revetments, rip-rap, and gabions are the primary form of shore protection along non-oceanfront tidal waterways. While hardened structures have proven to be beneficial in reducing property damage, such structures, particularly bulkheads, often result in scouring outshore and adjacent to the structure which impacts natural habitats. Alternative forms of shoreline stabilization would provide habitat and more natural forms of protection. In order to combat coastal erosion and wetland loss along sheltered coasts, many states are creating *living shorelines*. "This technique was coined with the term 'Living Shorelines' because it provides 'living space' for riverine, estuarine, and coastal organisms, which is accomplished via the strategic placement of native vegetation, sand fill, organic materials, and, if necessary, a small amount of reinforcing rock seeded with oysters."<sup>2</sup> This technique can utilize numerous options, ranging from purely natural, biodegradable erosion control measures to hybrid solutions that combine natural and structural stabilization measures.

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.

### **IV. Benefit(s) to Coastal Management**

Discuss the anticipated effect of the program change or implementation activities including a clear articulation of the scope and value in improved coastal management and resource protection.

A strategy that results in enforceable policies that support the implementation of a more natural approach to shoreline stabilization would incorporate restoration techniques in project designs in order to enhance habitat value, capture sediment to increase the adaptive response of a wetland to sea level rise, and/or to attenuate storm surge and minimize wave action. This practice would provide a means to stabilize shorelines, thus protecting property while providing habitat. A vegetative marsh fringe can serve as a buffer and work as a filter capturing upland runoff and pollutants as well as acting to trap sediments and attenuate wave action resulting in the accretion of wetlands. When placed in front of a stabilized shoreline, a vegetative buffer can add to the protection of the base and structural stability of the stabilized shoreline while creating additional intertidal habitat. Implementing living shoreline projects will benefit the water quality and habitat values of the state's coastal waters, and reduce erosion and property damage by providing protection from wave action, storm surges and sea level rise.

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<sup>2</sup> NOAA. Restoration Portal: Living Shorelines.  
[https://habitat.noaa.gov/restorationtechniques/public/shoreline\\_tab1.cfm](https://habitat.noaa.gov/restorationtechniques/public/shoreline_tab1.cfm)

## V. Likelihood of Success

Discuss the likelihood of attaining the proposed program change and implementation activities. The state or territory should address: 1) the nature and degree of support for pursuing the strategy and the proposed change; and, 2) the specific actions the state or territory will undertake to maintain or build future support for achieving and implementing the program change, including education and outreach activities.

The likelihood of attaining the proposed implementation activities and program change is high. The Coastal Management Office has been actively working with various stakeholder groups (American Littoral Society, Partnership for the Delaware Estuary, Barnegat Bay Partnership), other state and federal programs (NOAA Office of Restoration, US Fish and Wildlife Service) and the Jacques Cousteau NERR to explore various adaptive and/or alternative shoreline stabilization techniques and to engage the regulatory community in discussions on opportunities to support these strategies. The Coastal Management Office will work with federal, state, local government, non-governmental organizations and academic partners to monitor the success of existing pilot projects (utilizing these techniques); undertake additional pilot projects in order to evaluate implementation strategies; conduct workshops and outreach initiatives to engage and inform the regulated community on the benefits of utilizing these adaptive strategies; and ensure that these adaptive strategies are included in the suite of strategies in wetland restoration plans.

## VI. Strategy Work Plan

Using the template below, provide a general work plan that includes the major steps necessary for achieving the program change and/or implementing a previously achieved program change. The plan should identify significant projected milestones/outcomes, a schedule for completing the strategy, and budget estimates. If an activity will span two or more years, it can be combined into one entry (i.e., Years 2-3 rather than Year 2 and then Year 3). While the annual outcomes are a useful guide to ensure the strategy remains on track, OCRM recognizes that these benchmarks may change some over the course of the five-year strategy due to unforeseen circumstances. The same holds true for the annual budget estimates. If the state intends to fund implementation activities for the proposed program change, describe those in the plan as well. Further detailing of annual tasks, budgets, benchmarks, and work products will be determined through the annual award negotiation process.

**Total Years: 3**

**Total Budget:** \$267,999

**Final Outcome(s) and Products:** Guidelines, procedures and policy documents as well as revised regulations and enforceable polices that will result in meaningful improvements in coastal resource management specific to the implementation of living/adaptive shoreline strategies.

**Year(s): 1**

**Description of activities:** Engage partners and stakeholders in conducting an assessment of the cost, timelines, and success of existing living shoreline/adaptive shoreline management strategy projects. Identify the suite of living shoreline/adaptive shoreline strategies and the potential for successful implementation in various (shoreline) geographic areas based on specific parameters (also to be identified). Identify rules, policies, regulations, standards and actions where the use of living shoreline/ adaptive shoreline management strategies might be incorporated.

**Outcome(s):** An initial assessment of the success of piloted strategies and the geographic extent where strategies might be employed enforceable policies, plans and actions which could be modified to address the support and implementation of living /adaptive shoreline strategies.

**Budget:** \$89,333

**Year(s):** 2

**Description of activities:** Develop modifications to enforceable policies, plans and actions to support the implementation of living/adaptive shoreline strategies. Develop guidelines supporting use of living shoreline techniques.

**Outcome(s):** Draft changes to enforceable policies, plans and/or actions. Draft guidelines.

**Budget:** \$89,333

**Year(s):** 3

**Description of activities:** Continue to work with stakeholders and partners; Complete guidelines and conduct outreach and education activities with partners and stakeholders; Propose and adopt revisions to enforceable policies; Submit as program change to OCRM.

**Outcome(s):** Incorporation of revisions to enforceable policies into the NJCMP; Final guidelines; Final drafts of modifications to plans and actions, as appropriate. \*These actions may go beyond the third year.

**Budget:** \$89,333

## **VII. Fiscal and Technical Needs**

**A. Fiscal Needs:** If 309 funding is not sufficient to carry out the proposed strategy, identify additional funding needs. Provide a brief description of what efforts the applying agency has made, if any, to secure additional state funds from the legislature and/or other sources to support this strategy.

It is anticipated that the 309 funding (if funded at current levels) will be sufficient to carry-out this proposed strategy. The active existing support and partnerships engaged in wetlands restoration and monitoring should allow the Coastal Management Office to leverage funds to help with the advancement of this strategy.

**B. Technical Needs:** If the state does not possess the technical knowledge, skills, or equipment to carry out the proposed strategy, identify these needs. Provide a brief description of what efforts the applying agency has made, if any, to obtain the trained personnel or equipment needed (for example, through agreements with other state agencies).

It is anticipated that the state already possesses the technical knowledge, skills and equipment to carry out the proposed strategy. Within the Coastal Management Office and networked programs within NJDEP, staff possess many years of experience in monitoring, planning and research as well as facilitating education and outreach programs. The existing local government, non-governmental organizations, academic and other state and federal partners will add to the technical skill set required to complete this strategy.

## **VIII. Projects of Special Merit (Optional)**

It is not anticipated that this strategy will require application for a Project of Special Merit.

## 5-Year Budget Summary by Strategy

At the end of the Strategy section, please include the following budget table summarizing your anticipated Section 309 expenses by strategy for each year.

The following budget is based on existing funding (\$536,000.00/yr) for section 309 tasks. It is anticipated that as the Coastal Management Office achieves a 309 strategy deliverable, funding will be directed to other strategies.

<b>Strategy Title</b>	<b>Year 1 Funding</b>	<b>Year 2 Funding</b>	<b>Year 3 Funding</b>	<b>Year 4 Funding</b>	<b>Year 5 Funding</b>	<b>Total Funding</b>
SAMP for Barnegat Bay and Coastal Watershed	\$178,666	\$181,643	\$181,643	\$268,000	\$268,000	\$1,077,952
Ocean: Coastal and Marine Spatial Planning	\$178,666	\$181,643	\$181,643	\$268,000	\$268,000	\$1,077,952
Public Access: PA Rules Update	\$89,333					\$89,333
Wetlands: Living Shorelines Approach	\$89,335	\$172,714	\$172,714			\$434,763
<b>Total Funding</b> +/- \$2.00/column	<b>\$536,000</b>	<b>\$536,000</b>	<b>\$536,000</b>	<b>\$536,000</b>	<b>\$536,000</b>	<b>\$2,680,000</b>