

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

LAND USE MANAGEMENT

Office of Policy Implementation

Notice of Routine Program Change for Coastal Management Program

Take notice that the Department of Environmental Protection (Department) is seeking approval from the National Oceanic and Atmospheric Administration's Office of Coastal Management (NOAA) to modify the Federally approved New Jersey Coastal Management Program (NJCMP) to incorporate regulatory amendments to the Coastal Zone Management (CZM) Rules, N.J.A.C. 7:7, adopted by the Department from June 2016 through January 2018 which address riparian zones, building standards in V zones and coastal A zones, coastal wetlands maps, public notice for maintenance dredging, regulatory amendments made in response to issues identified through stakeholder outreach, and to address other issues that have arisen since the July 6, 2015 adoption of the consolidated coastal rules. A summary of the proposed changes to the NJCMP follows:

1. Regulatory amendments and new rules adopted January 16, 2018

On January 16, 2018 the Department adopted amendments to the CZM Rules regarding filled water's edge areas, dune walkovers and other beach and dune development, CAFRA findings, coastal high hazard areas/V zones, application requirements, rule

rationales, and minor updates and corrections. (See 49 N.J.R. 2122(a); July 17, 2017 and 50 N.J.R. 361(a); January 16, 2018)

Adopted Regulatory Amendments: N.J.A.C. 7:7-1.4, 1.5, 2.2, 2.3, 2.4, 4.2, 4.13, 4.14, 4.21, 4.22, 6.2, 6.3, 6.4, 6.5, 6.13, 6.17, 6.22, 6.23, 6.30, 6.32, 8.2, 9.2, 9.3, 9.5, 9.6, 9.8, 9.11, 9.12, 9.13, 9.14, 9.16 through 9.20, 9.23, 9.25, 9.28, 9.30, 9.32, 9.33, 9.38, 9.40, 9.43, 9.44, 9.45, 9.46, 9.47, 10.2, 10.3, 10.4, 10.5, 11.1, 11.2, 11.3, 11.4, 12.5, 12.9, 12.15, 12.16, 12.20, 12.21, 14.1, 14.2, 15.2 through 15.7, 15.9, 15.10, 15.11, 16.2, 16.3, 16.5, 16.6, 16.7, 16.8, 16.10, 16.12, 16.13, 17.5, 19.2, 23.2, 23.6, 24.1, 24.3, 26.5, and 27.3

Adopted New Rules: N.J.A.C. 7:7-4.23 and 5.3

2. Regulatory amendments to the public notice requirements adopted December 18, 2017

On December 18, 2017 the Department adopted regulatory amendments to the CZM Rules' public notice requirements for applications for maintenance dredging projects of one-half mile or longer. (See 49 N.J.R. 834(a); May 1, 2017 and 49 N.J.R. 3849(a); December 18, 2017)

Adopted Regulatory Amendments: N.J.A.C. 7:7-9.27, 17.11, 17.14, 24.3 and 24.4

3. Revisions to Coastal Wetlands Maps adopted October 17, 2016

The Wetlands Act of 1970 requires the Department to regulate activities in areas mapped as coastal wetlands on promulgated coastal wetlands maps. In response to a petition for rulemaking, the Department adopted updates two promulgated coastal wetlands maps applicable to the Holgate section of Long Beach Township, NJ to reflect current conditions. (See 47 N.J.R. 638(a); April 6, 2015; 48 N.J.R. 543(a); April 4, 2016 and 48 N.J.R. 2130(a); October 17, 2016)

Adopted Regulatory Amendments: N.J.A.C. 7:7 Appendix D

4.. Regulatory amendments regarding riparian zone disturbance limits adopted July 17, 2017

On June 19, 2017 and effective on July 17, 2017, the Department incorporated riparian zone disturbance limits for certain activities in the CZM Rules to maintain consistency with the Flood Hazard Area Control Act Rules. (See 48 N.J.R. 1014(a); June 20, 2016 and 49 N.J.R. 2246(a); July 17, 2017)

Adopted Regulatory Amendments: N.J.A.C. 7:7-6.4, and 15.2

5. Regulatory amendments regarding development in flood hazard area adopted June 20, 2016

On June 20, 2016, the Department adopted amendments to the CZM Rules as part of the comprehensive amendment of the Flood Hazard Area Control Act Rules. The regulatory amendments address development in flood hazard areas and the preservation of vegetation and habitat within and adjacent to surface waters. (See 47 N.J.R. 1041(a); June 1, 2015 and 48 N.J.R. 1067(a); June 20, 2016)

Adopted Regulatory Amendments: N.J.A.C. 7:7-6.23, and 17.12

Adopted Repeals and New Rules: N.J.A.C. 7:7-9.26

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

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

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

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

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