

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

LAND USE MANAGEMENT

Office of Coastal Management and Watershed Restoration

Notice of Determination on Routine Program Change to the New Jersey Coastal Management Program

Take Notice that the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management has, by letter dated January 13, 2011, approved changes to New Jersey's Federally approved Coastal Management Program. The approved changes incorporate the following into the New Jersey Coastal Management Program: 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 effective 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 effective 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 (see 41 N.J.R. 3168(a); 42 N.J.R. 2066(b)).

Federal Consistency requirements of the Federal Coastal Zone Management Act apply to the approved provisions as of the date of publication of this notice. For a more detailed summary of the approved changes to the New Jersey Coastal Management

Program, see the Notice of Routine Program Change for Coastal Management Program, 42 N.J.R. 2638(a), November 1, 2010.

Pursuant to the requirements of 15 CFR 923, changes to the Coastal Management Program must be approved by NOAA. On November 1, 2010 the Department submitted to NOAA a request for concurrence with the Department’s determination that incorporation of the above actions into New Jersey’s Coastal Management Program constitutes a routine program change (see 42 N.J.R. 2638(a), November 1, 2010). 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.” NOAA requested comments on whether the change should be considered a routine program change. No comments on the routine program change submission were received by NOAA.

NOAA has concurred with the Department’s determination that the following actions constitute a routine program change:

Name/Description of State regulation	Citation
ADDED:	
Coastal Zone Management rules	
<i>Energy facility use</i>	N.J.A.C. 7:7E-7.4(r)1vii and viii

Set standards for wind energy facilities on land and in water, including appropriate siting areas (Large Scale Wind Turbine Siting Map), lighting, tower design, monitoring requirements, curtailment of operations	
<i>Energy facility use</i> Updating Large Scale Wind Turbine Siting Map	N.J.A.C. 7:7E-7.4(r)3
Coastal Permit Program rules	
<i>Definitions</i> Added definitions of floodway, impervious cover and rotor swept area	N.J.A.C. 7:7-1.3
<i>Permit Application Procedure, Application contents</i> Applicants for wind turbines must include pre and/or post construction monitoring methodologies in application submission	N.J.A.C. 7:7-4.2(g)
<i>Permits-by-rule</i> Added permits-by-rule for construction of one, two or three wind turbines on land; and installation of solar panels at a single family home	N.J.A.C. 7:7-7.2(a)12 and 13

<p><i>Coastal General Permit</i></p> <p>Added 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</p>	<p>N.J.A.C. 7:7-7.30</p>
<p><i>Coastal General Permit</i></p> <p>Added 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</p>	<p>N.J.A.C. 7:7-7.31</p>
<p>Other</p>	
<p>NJDEP Large Scale Wind Turbine Siting Map</p>	
<p>NJDEP Technical Manual for Evaluating Impacts of Wind Turbines Requiring Coastal Permits</p>	
<p>MODIFIED:</p>	
<p>Coastal Zone Management rules</p>	
<p><i>Endangered or threatened wildlife or vegetation species habitats</i></p>	<p>N.J.A.C. 7:7E-3.38</p>

<p>Modified definition of “Endangered or threatened wildlife or plant species habitats to clearly include terrestrial and aquatic habitats and corridors</p>	
<p><i>Atlantic City</i></p> <p>Modified provision to allow construction of wind turbines not exceeding 200 feet in height at 5 piers</p>	<p>N.J.A.C. 7:7E-3.49(c)5</p>
<p><i>Standards for conducting Endangered or threatened wildlife or plant species habitat impact assessments</i></p> <p>Added substrate, bathymetry, salinity and wildlife movement corridors to the list of components to be addressed in impact assessments</p>	<p>N.J.A.C. 7:7E-3C.2</p>
<p><i>Energy facility use, Standards relevant to siting of new energy facilities</i></p> <p>Reduced 500 foot setback to 50 feet for wind and solar energy facilities; added provisions for construction of wind energy facilities on ocean piers in Atlantic City ; and of limited scope in the State’s ocean waters</p>	<p>N.J.A.C. 7:7E-7.4(b)</p>

<p><i>Energy facility use, Standards relevant to electric generating stations</i></p> <p>Separated standards applicable to cogeneration facilities and facilities that se renewable forms of energy</p>	<p>N.J.A.C. 7:7E-7.4(r)1v</p>
<p><i>Energy facility use</i></p> <p>Recodified as 7.4(r)4 with no changes in text</p>	<p>N.J.A.C. 7:7E-7.4(r)3</p>
<p><i>High-rise structures</i></p> <p>Added wind turbines to the list of high rise structures to which this rule does not apply</p>	<p>N.J.A.C. 7:7E-7.14(c)</p>
<p>Scenic resources and design</p> <p>Excepted wind turbines from the setback requirement</p>	<p>N.J.A.C. 7:7E-8.14(d)</p>
<p>Coastal Permit Program rules</p>	
<p><i>CAFRA</i></p> <p>Exemptions for wind turbines on or attached to an existing building, provided turbine is small (meet height and rotor swept area requirements); and exemption for solar panels on or attached to an existing building, utility pole, or legally existing impervious cover outside of the</p>	<p>N.J.A.C. 7:7-2.1(b)</p>

floodway or on a sanitary landfill	
<p><i>Waterfront Development</i></p> <p>Exemptions for wind turbines on or attached to an existing building provided turbine is small (meets height and rotor swept area requirements); and exemption for solar panels on or attached to an existing building, utility pole, legally existing impervious cover outside of the floodway or on a sanitary landfill</p>	N.J.A.C. 7:7-2.3(d)
DELETED:	
None	