



Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Compliance & Enforcement #2020-17 Issued: 10/27/2020

Beach Maintenance Compliance

WHO IS AFFECTED BY THIS ADVISORY?

Municipalities and private property owners performing work on a beach, specifically moving sand to construct temporary, linear sand piles (often referred to by some as sand berms) in the fall/winter, with the redistribution of the sand pile on the beach in the spring. This advisory also includes any grading, excavation or filling of a beach or dune.



WHY IS DEP FOCUSING ON THIS PRACTICE?

Construction and maintenance activities on beaches and dunes in New Jersey typically require a Coastal Area Facilities Review Act (CAFRA) permit issued by the Department of Environmental Protection (DEP) Division of Land Resource Protection (DLRP). The construction of temporary, linear sand piles on a beach is a regulated activity and would require a CAFRA Individual permit. In addition, the grading, excavation or filling of a beach or dune requires CAFRA permit approval. Failure to obtain a CAFRA permit is a violation of the law. The necessary CAFRA approval would require compliance with the applicable statutes and implementing rules for this regulated activity, specifically the following:

- Coastal Area Facilities Review Act (N.J.S.A. 13:19-1 et seq.),
- Coastal Zone Management Rules (N.J.A.C. 7:7-1 et. seq.),
- Waterfront Development Law (N.J.S.A. 12:5-3), and the
- Riparian Lands Statutes (N.J.S.A. 12:3-1 et seq.).

In some instances, these temporary sand piles, as well as improper grading, excavation or filling could be completed in a manner that may negatively impact the natural or constructed beach and dune system. According to the DEP Division of Coastal Engineering (DCE), any excavation below the US Army Corps of Engineers (USACE) Federal Beach Nourishment project design profile could negatively impact the design project performance. When beach scraping is done at rates exceeding the natural rate of recovery of the beach and conducted in a manner that creates unnatural slopes and cuts in the foreshore region of the beach profile, erosion could increase.

WHAT IS DEP DOING?

The DEP is providing notice to oceanfront municipalities that they are required to submit for and obtain the necessary permit(s) from the Department's DLRP prior to constructing temporary sand piles, and beach maintenance including grading, filling or excavation of a beach or dune.

WHAT SHOULD I DO?

- 1. Obtain the required CAFRA Individual permit prior to the construction of temporary, linear sand piles on the beach, or obtain a beach & dune maintenance general permit.**
- 2. Comply with all permit conditions** - Do not begin these activities on a site until the required CAFRA permit has been obtained and all pre-construction conditions of the permit have been met. Sand pile construction activities will typically require a pre-construction survey of the beach and a consultation with the DEP DCE to receive approval for the construction. It should be noted that post-construction surveys will also be required.
- 3. Complete the construction in accordance with the approved permit and plans** - The work must be completed as depicted on the approved permit plans and be in compliance with all permit conditions. No changes can be made to the approved plans without first obtaining written approval via a permit modification or new permit from the DEP's Division of Land Resource Protection.
- 4. Contact the DEP hotline at (877) WARN DEP to report possible violations of the State's Land Use Laws.**

WHO SHOULD I CONTACT WITH QUESTIONS?

Land Resource Protection Permit Guidance

Division of Land Resource Protection (609) 777-0454

Coastal Engineering Guidance

Division of Coastal Engineering (732) 255-0767

Coastal & Land Use Compliance and Enforcement

Coastal Region, for *Atlantic, Cape May, Monmouth, and Ocean Counties*, 732-255-0787

Central Region, for *Cumberland and Salem Counties*, 609-292-1240

WHERE CAN I GET MORE INFORMATION?

The following web sites can be accessed for additional information:

- DEP Coastal & Land Use Compliance & Enforcement: <https://www.nj.gov/dep/enforcement/clue.html>
- DEP Land Resource Protection: <https://www.nj.gov/dep/landuse/>
- DEP Division of Coastal Engineering: <https://www.nj.gov/dep/shoreprotection/>
- For additional contact information at DEP visit: <https://www.nj.gov/cgi-bin/dep/contactdep.pl>
- For a list of compliance advisories visit: <https://www.nj.gov/dep/enforcement/advisories-date.html>
- To comment on this compliance advisory visit: <https://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of department requirements. It does not include all potentially applicable requirements. If you have any questions related to compliance, please contact an Enforcement number listed above.