Attachment 8

Coastal Zone Management Program

NEW JERSEY COASTAL DEVELOPMENT HANDBOOK

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL RESOURCES
JUNE 1982

NEW JERSEY

COASTAL DEVELOPMENT

HANDBOOK

June 1982

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL RESOURCES
CN 401
TRENTON, NEW JERSEY 08625

This handbook was prepared with financial assistance from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, under P.L. 92-583, as amended.

Thomas Kean, Governor

Robert E. Hughey, Commissioner

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INTRODUCTION

Purpose

Since New Jersey is the most densely populated state in the nation, there are enormous pressures on its coastal zone to accommodate development while preserving the natural beauty of its shore and the productivity of its estuary systems. In light of these competing interests, the Division of Coastal Resources in the New Jersey Department of Environmental Protection (DEP) developed the New Jersey Coastal Management Program with detailed policies designed to bring about the wise use of New Jersey's limited coastal resources. The Appendix contains a history of the Coastal Management Program.

DEP's Division of Coastal Resources issues three coastal permits as well as tidelands (formerly called riparian) grants, leases or licenses. The purpose of this Coastal Development Handbook is to provide potential permit applicants with information and requirements for all State coastal permits.

How to Use The Handbook

This Handbook is intended to aid potential applicants at each step of the coastal permitting process. It also aims to help other members of the public interested in the coastal permit process understand how they can participate in these public decisions.

Chapter One describes the types of development proposals which require coastal permits and provides the criteria to determine if you are exempt from obtaining a coastal permit. It also lists other State and Federal permits for which you might need to apply.

Chapter Two lists the items that you must include in an application for each of the permits and for a tidelands conveyance. It also contains a list of the items that must be included in an Environmental Impact Statement (EIS), which is required for all CAFRA and some Wetlands permit applications.

Chapter Three describes how your permit decision will be made. It discusses the Coastal Resource and Development Policies and presents a hypothetical application.

Chapter Four contains construction and siting techniques which will increase the prospects of having your application approved. These techniques are all compatible with the Policies of the Coastal Management Program.

Chapter Five describes the steps you can take to appeal a denial of your application.

The final chapter contains a list of the Division of Coastal Resources offices you can contact to obtain more information and assistance. It also contains a list of the Division's publications which may aid you in preparing an application.

CHAPTER ONE
DO I NEED A PERMIT?

The Three Coastal Permits

The New Jersey Coastal Management Program is based on the regulatory activity of DEP's Division of Coastal Resources under the Waterfront Development Law, the Wetlands Act, the Coastal Area Facility Review Act (CAFRA), and its stewardship activity under the Tidelands statutes.

To determine if you will need to obtain one or more of these coastal permits or a Tidelands conveyance from the Division of Coastal Resources before commencing a development project, ask yourself the following questions:

1. Is any portion of the proposed project situated within tidally influenced wetlands in one (or more) of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean or Salem?

If you answered yes, then you will need a Wetlands Permit, unless the site has not been delineated as a wetlands by DEP. Wetlands delineation maps are available from the Division's Bureau of Coastal Planning and Development in Trenton (See Chapter Six for address) and from the clerk of each coastal county.

2. Is your project within, or bordering upon, a tidal waterway?

3. Is your project situated within one of the following counties: Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Mercer, Middlesex, Passaic, Salem, Somerset or Union,

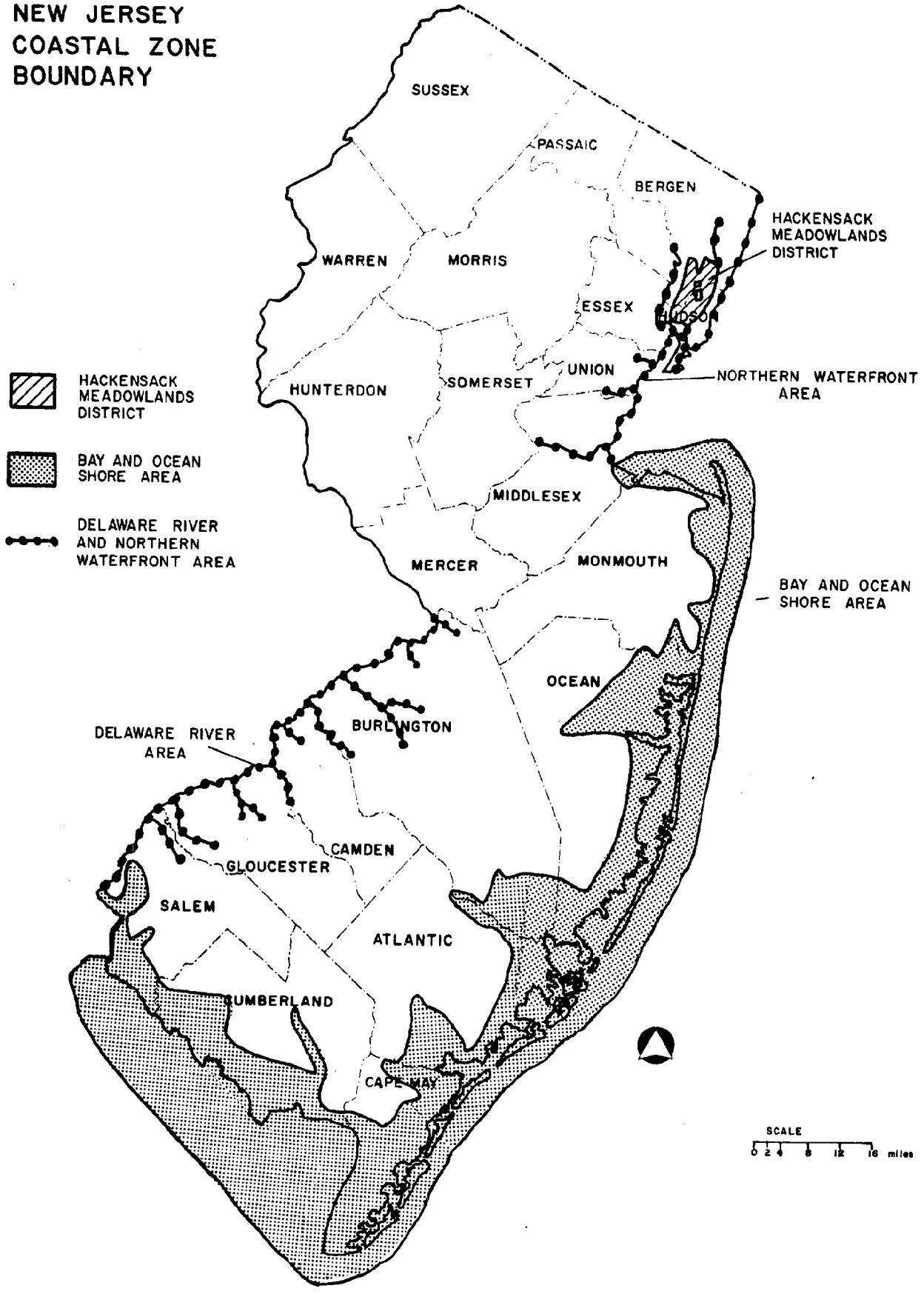
   AND

   within 100 feet of the existing mean high water line of a tidal water body, within 500 feet of a tidal water body with no paved public road, railroad or property line between the project site and the water body, or between 100 and 500 feet from a tidal water body but waterward of the first paved road, railroad or property line?

If you answered yes to 2 or 3 then you probably need to obtain a Waterfront Development Permit, unless your project is limited to the repair, replacement or renovation of a legal waterfront structure associated with a residence or with recreational boating.

4. Is your project located in the Coastal Area as defined by the Coastal Area Facility Review Act (Figure 1)? The Coastal Area consists of all or portions of the following municipalities:

Figure 1


NEW JERSEY
COASTAL ZONE
BOUNDARY
SUSSEX
PASSAIC
BERGEN
HACKENSACK
MEADOWLANDS
DISTRICT
WARREN
MORRIS
ESSEX
HUDSON
HUNTERDON
SOMERSET
UNION
NORTHERN WATERFRONT
AREA
HACKENSACK
MEADOWLANDS
DISTRICT
BAY AND OCEAN
SHORE AREA
DELAWARE RIVER
AND NORTHERN
WATERFRONT AREA
MIDDLESEX
MERCER
MONMOUTH
BAY AND OCEAN
SHORE AREA
OCEAN
DELAWARE RIVER
AREA
BURLINGTON
CAMDEN
GLOUCESTER
SALEM
ATLANTIC
CUMBERLAND
CAPE MAY
SCALE
0 2 4 8 12 16 miles

Atlantic County
- Absecon City
- Atlantic City
- Brigantine City
- Corbin City
- Egg Harbor City
- Egg Harbor Township
- Estell Manor Township
- Galloway Township
- Hamilton Township
- Linwood City
- Longport Borough
- Margate City
- Mullica Township
- Northfield City
- Pleasantville City
- Port Republic City
- Somers Point City
- Ventnor City
- Weymouth Township

Burlington County
- Bass River Township
- Washington Township

Cape May County
- Avalon Borough
- Cape May City
- Cape May Point Borough
- Dennis Township
- Lower Township
- Middle Township
- North Wildwood Township
- Ocean City
- Sea Isle City
- Stone Harbor Borough
- Upper Township
- West Cape May Borough
- West Wildwood Borough
- Wildwood City
- Wildwood Crest Borough
- Woodbine Borough

Cumberland County
- Bridgeton City
- Commercial Township
- Downe Township
- Fairfield Township
- Greenwich Township
- Hopewell Township
- Lawrence Township
- Maurice River Township
- Millville City

Middlesex County
- Old Bridge Township

Monmouth County
- Aberdeen Township (Matawan)
- Allenhurst City
- Asbury Park City
- Atlantic Highlands Borough
- Avon-by-the-Sea Borough
- Belmar Borough
- Bradley Beach Borough
- Brielle Borough
- Deal Borough
- Eatontown Borough
- Fair Haven Borough
- Hazlet Township
- Highlands Borough
- Holmdel Township
- Interlaken Borough
- Keansburg Borough
- Keyport Borough
- Little Silver Borough
- Loch Arbour Village
- Long Branch City
- Manasquan Borough
- Matawan Borough
- Middletown Township
- Monmouth Beach Borough
- Neptune City
- Neptune Township
- Ocean Township
- Oceanport Borough
- Red Bank City
- Rumson Borough
- Sea Bright Borough
- Sea Girt Borough
- Shrewsbury Borough
- South Belmar Borough
- Spring Lake Borough
- Spring Lake Heights Borough
- Union Beach Borough
- Wall Township
- West Long Branch Borough

Ocean County
- Barnegat Light Borough
- Barnegat Township (Union)
- Bay Head Borough
- Beach Haven Borough
- Beachwood Borough
- Berkeley Township
- Brick Township
- Dover Township
- Eagleswood Township
- Harvey Cedars Borough

Ocean County (continued)

- Island Heights Borough
- Jackson Township
- Lacey Township
- Lakehurst Borough
- Lakewood Township
- Lavallette Township
- Little Egg Harbor Township
- Long Beach Township
- Manchester Township
- Mantoloking Borough
- Ocean Gate Township
- Ocean Township
- Pine Beach Borough
- Point Pleasant Beach Borough
- Point Pleasant Borough
- Seaside Heights Borough
- Seaside Park Borough
- Ship Bottom Borough
- South Toms River Borough
- Stafford Township
- Surf City Borough
- Tuckerton Borough

Salem County

- Alloway Township
- Elsinboro Township
- Lower Alloways Creek Township
- Mannington Township
- Pennsville Township
- Quinton Township
- Salem City
- Upper Penns Neck

5. Does your project involve the construction of 25 or more dwelling units?

6. Does your project involve the construction of 1200 or more linear feet of roadway or pipeline designed for transport of petroleum, natural gas, or sewage in a single municipality during one year?

7. Does your project involve the construction of 300 or more parking spaces for motor vehicles?

8. Does your project involve any of the following activities:

Marine terminal and cargo handling	Food or food byproduct manufacture
Sanitary landfilling	Paper production
Sewage treatment	Agri-chemical production
Inorganic acids and salts manufacture	Mineral product mining or processing
Bulk storage of petroleum or other gases	Chemical or petroleum processing or manufacture
Electric power generation	Airport construction
Metallurgical construction	

If you answered yes to 4, and to either 5, 6, 7, or 8, you may need to obtain a Coastal Area Facility Review Act (CAFRA) Permit.

9. Is your project situated on lands that are now or have formerly been flowed by the mean high tide?

If your answer is yes, you may need to obtain a grant, lease or license from the Tidelands Resource Council before a coastal permit can be issued.

The Bureau of Coastal Enforcement and Field Services has the authority to determine if you will need to obtain a coastal permit or a Tidelands conveyance from DEP. You should write or call this Bureau if you are not sure whether you need to obtain a permit (See Chapter Six for address).

Exemptions

You may request an exemption from the requirement to obtain a Waterfront Development Permit if the proposed facility is in an upland area and on-site construction or site preparation began on or before September 26, 1980.

Activities requiring a Wetlands Type A Permit that were in progress at the time that the wetlands area was designated may be exempt from the requirement to obtain a Wetlands Permit. Activities requiring a Type B Permit, however, must obtain a Wetlands Permit.

The Division, by administrative rule, is no longer accepting requests for exemptions from the CAFRA permit requirement.

Any interruption in the process of constructing and completing the facility may be a cause for denying an exemption request, unless the factors causing the delay were beyond your control and you made good faith efforts to overcome the interruption. Interruptions caused by financial, labor or legal factors must be properly documented in the exemption request.

If you believe that a proposed facility is exempt from a coastal permit due to prior on-site construction, you should request in writing a determination of exemption from the Division's Bureau of Coastal Enforcement and Field Services (See Chapter Six for address).

Other State and Federal Permits

Many proposed development activities will require the issuance of a permit from Divisions in DEP other than Coastal Resources, or from State agencies other than DEP, or from a Federal agency.

The office of Cultural and Environmental Services in DEP Room 803, Labor & Industry Building, Trenton ((609) 292-2662) coordinates the review of major development proposals likely to require more than one DEP-administered permit, of applications circulated thorugh the A-95 procedure (a discussion of the A-95 procedure occurs later in this Chapter), and of State agency projects costing more than one million dollars. This coordinated review helps speed the permit review process and insures the use of consistent policies.

The Office of Business Advocacy, in the Department of Commerce, CN 380, Trenton, NJ 08625 ((609) 292-0701) helps developers determine which State permits they need. A list of State and Federal permits commonly needed for coastal development follows:

STATE AGENCY	PERMIT
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Division of Environmental Quality CN 027 Trenton, NJ 08625 (609) 984-3032 (Air Pollution Permit) (609) 292-0417 (Solid Waste Registration)	Air Pollution Permits for incinerators in dwellings with 7 or more units. Solid Waste Facility Registration and Permit for the excavation or reuse of a sanitary landfill.
Division of Water Resources Office of Planning and Standards 1474 Prospect Street CN 029 Trenton, NJ 08625 (609) 633-7026	Water Quality Certification for Corps of Engineers Dredge and Fill Permits.
Bureau of Floodplain Management 1474 Prospect Street CN 029 Trenton, N.J. 08625 (609) 292-2402	Stream Encroachment Permits for any construction within the 100-year floodplain of any stream.
Municipal Waste Management 1474 Prospect Street CN 029 Trenton, N.J. (609) 984-4429	Sewerage Extension Permits for municipalities and developments.
Permits Administration 1474 Prospect Street CN 029 Trenton, N.J. 08625 (609) 292-5262	Permits for point source discharge of pollutants into waterways under the New Jersey Pollutant Discharge Elimination System (NJPDES).
Water Allocation Office 1474 Prospect Street CN 029 Trenton, N.J. 08625 (609) 984-6831 (well drilling) (609) 292-2957 (water diversion)	Permits for well drilling, purchasing water, diverting a water supply, diverting subsurface or percolating waters, and water lowering.

FEDERAL AGENCY	PERMIT
DEPARTMENT OF DEFENSE	
Army Corps of Engineers For activities north of the Manasquan River: New York District Engineer 26 Federal Plaza New York, NY 10007 (212) 264-0182	Permits for the dredging or filling of any wetlands or water body under Section 404 of the Clean Water Act. Permits for dredging, stream channelization, excavation, filling or any other work affecting a navigable water body under Section 9 or 10 of the Rivers and Harbor Act of 1899.
For activities in the Delaware River Basin, or along the Atlantic Coast from the Manasquan River southward: Philadelphia District Engineer Custom House 2nd and Chestnut Streets Philadelphia, PA 19106 (215) 597-4723	

Permit Coordination

For activities on or along the Delaware River, the Phildelphia Urban Waterfront Action Group (UWAG) provides assistance in permit application coordination. For information and assistance, contact:

Mr. Ronald Petrofsky
Philadelphia Port Corporation
1020 Public Ledger Building
6th & Chestnut Streets
Philadelphia, Pa. 19106
(215) 928-9100

Federal Consistency

If your development project requires a federal permit or is federally funded, and is in, or affects, New Jersey's Coastal Zone, you will also need to obtain a federal consistency certification from the Division of Coastal Resources. This a requirement of the Federal Coastal Zone Management Act, and can be satisfied by receipt of a coastal permit from the Division.

A-95 Review

If you apply for funding or mortgage insurance under a Federal program, you must comply with the State A-95 review procedure. The New Jersey State Clearinghouse in the Department of Community Affairs is responsible for ensuring that all applications are reviewed by the relevant agencies of New Jersey State government. Other levels of governmental review are performed through a network of areawide clearinghouses.

You must submit to the State Clearinghouse the following information:

1. A completed application for Federal assistance summary (Standard Form 424);

2. A budget breakdown;

3. A location map; and

4. A statement of goals and objectives.

The address of the State Clearinghouse is:

A-95 Review
Division of State and Regional Planning
Department of Community Affairs
329 West State Street
Trenton, New Jersey 08625
(609) 292-2963

CHAPTER TWO
HOW DO I APPLY?

Coastal Area Facility Review Act (CAFRA) (N.J.S.A. 13:19-1 et seq.)

If you are planning a development project which requires a CAFRA Permit, you are encouraged to request a pre-application conference with the Division of Coastal Resources before seeking municipal approval of your project. The purpose of the optional pre-application conference is to inform you of the Division's application procedures, policies and guidelines. The Division will also discuss your proposal's apparent strengths and weaknesses relative to the Coastal Policies, but cannot commit itself to approving or rejecting it until the complete application is reviewed.

The pre-application conference can save you time and money by advising you at an early stage whether the proposal is likely to be approved and what modifications may be necessary to obtain permit approval.

You should present a conceptual proposal for the facility at the pre-application conference, including the following:

1. A short written description of the site and proposed facility;
2. The number and uses of proposed structures; and
3. Maps indicating the site's location and rough internal plan of development.

If you decide to file an application after attending the pre-application conference, you must notify the County Planning Board that you intend to apply to the Division for a permit. Your application must include the following:

1. A completed application form (a sample form DEP Form CP-1 is enclosed in the pocket of the back cover);
2. An application fee, determined according to the 90-Day Construction Permit Regulations ($1,000 plus $10 per dwelling unit for residential facilities, $1,500 plus $10 per acre to be developed for non-residential and mixed use facilities, maximum fee $10,000); and
3. Twenty copies of an Environmental Impact Statement.

The contents of an Environmental Impact Statement will be discussed later in this Chapter.

Within 30 days of receiving your application, DEP will notify you in writing if the application is complete for filing. If it is incomplete, the specific deficiencies will be noted. Within 15 days following the receipt of additional information to correct deficiencies, you will be notified if the application is complete or if further additional information is needed. An application will not be considered to be filed until it has been declared complete.

After the application has been declared complete, DEP will prepare a staff preliminary analysis of the proposed facility. You will receive a copy of the preliminary analysis before the required public hearing.

A public hearing will be held within 60 days of declaring the application complete for filing. The purpose of the public hearing is to give the applicant and interested parties the opportunity to present orally and in writing their positions concerning the proposed facility, as well as any data developed in relation to the proposed facility. The public hearing will be held within the coastal area and, if possible, within the municipality where the facility is proposed.

At the public hearing, or within 15 days after the public hearing, the review officer may request that you submit additional information necessary for the complete review of the application.

The final decision on the application will be made within 60 days of the public hearing or, if additional information has been requested, within 90 days of receipt of the additional information. If DEP fails to act within this time, the 90 day Construction Permit Law (N.J.S.A. 13:1D-1 et seq.) requires that the application will be deemed to be approved, provided that the application does not violate other statutes or regulations in effect.

Figure 2 is a flow chart of the CAFRA permit application process.

Waterfront Development Law (N.J.S.A. 12:5-3)

The procedure for applying for a Waterfront Development Permit is similar to that for applying for a CAFRA permit, although there are fewer informational, and no EIS, requirements. For a major project, you are encouraged to request a pre-application conference prior to applying for a Waterfront Development permit. To apply, you must submit the following items:

1. A completed application form (DEP Form CP-1);
2. An application fee, determined by the 90-Day Construction Permit Regulations;
3. Sixteen copies of a development plan (including one reproducible transparency); and
4. At least two recent color photographs of the site.

The development plan must show the following:

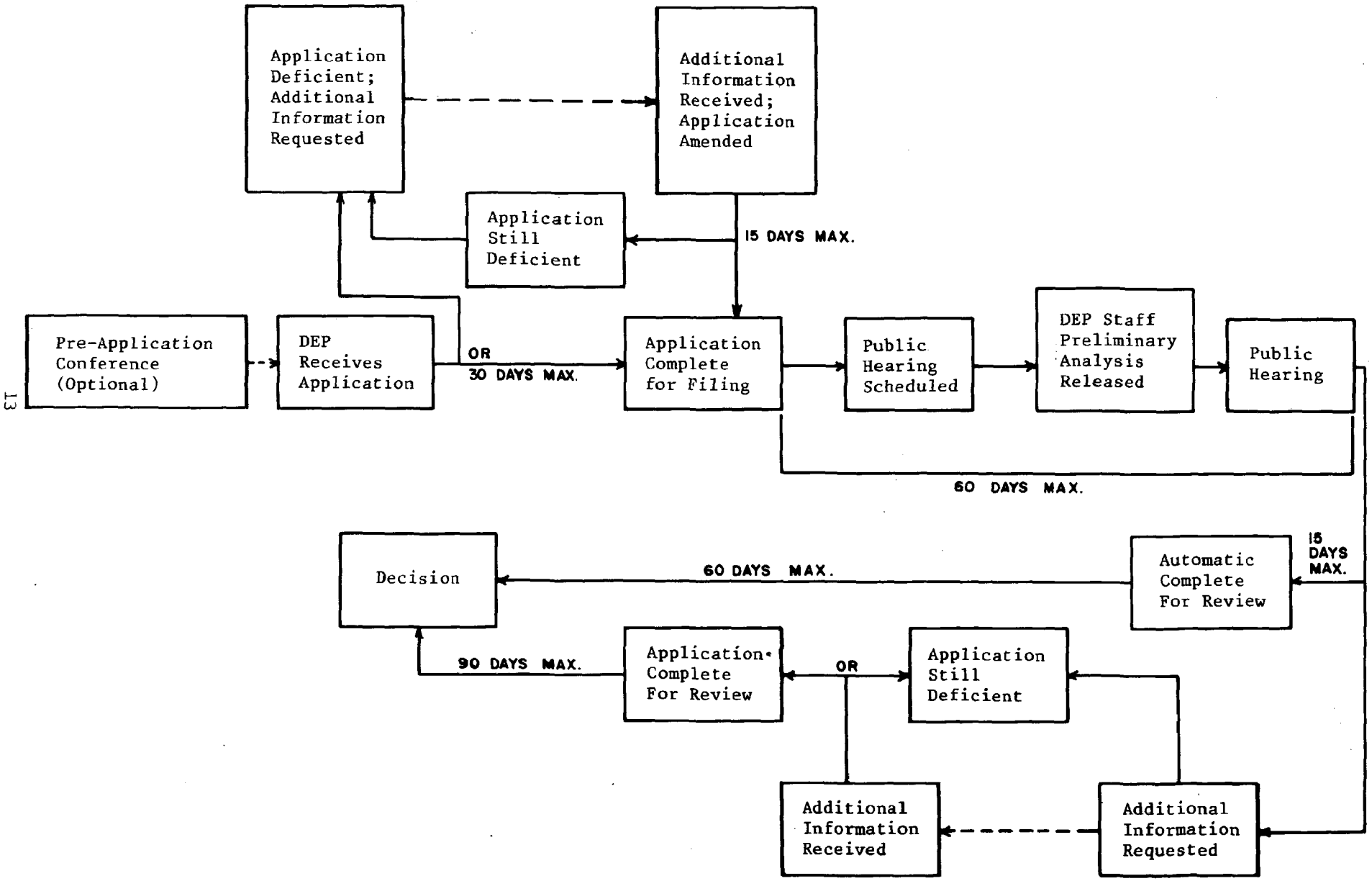
1. The lot;
2. All existing waterfront structures on the lot and immediately adjacent lots;
3. Distances and dimensions of areas, structures and lots, including wetlands delineation and mean high water line, upland property, roads and utility lines;
4. The proposed work outlined in red;
5. The general site location of the development (photoreduced U.S.G.S. quadrangle)
6. The scale of the survey or map, and a north point;
7. The name of the person who prepared the plan (State law requires that the plans be prepared by professional engineers);
8. The name of the applicant,
9. The lot and block number; and
10. Evidence that the applicant has obtained the right to use or occupy the tidelands.

To simplify the permit process, the Division of Coastal Resources has issued a General Permit under the Waterfront Development Law for minor new construction in man-made tidal lagoons. The General Permit does not apply to activities which involve dredging or filling. If you are applying for a project covered by the General Permit you only need to submit six copies of the development plan and no reproducible copy.

The fee for a Waterfront Development Permit for new construction is one percent of the construction cost or a minimum of $100. The fee for a Waterfront Development Permit for minor maintenance and/or repair is one percent of the construction cost or a minimum of $25. The maximum fee is $10,000.

Figure 2

CAFRA PERMIT APPLICATION PROCESS



Under a 1981 amendment to the Waterfront Development Law, a permit is no longer required for the valid repair, replacement or renovation of waterfront structures associated with a residence or with recreational boating. Substantially new construction or reconstruction will, in most cases, still require a permit. All final determinations on whether a permit is required are made by the Division's Bureau of Coastal Enforcement and Field Services.

After receiving the application, the Division of Coastal Resources has 20 working days to review it for completeness. At this time, the Division may request additional information to complete the application. You will receive notice within 15 days of receipt of additional information if the application is complete for filing. Once the application is accepted as complete for filing, the Division must make a permit decision within 90 days. General Permits are processed in far less time than the mandatory 90 days. If a decision is not made within 90 days, your application is automatically approved.

A public hearing is not required for Waterfront Development Permit applications, but may be scheduled if the Division feels there is sufficient public interest to justify a hearing.

Wetlands Act (N.J.S.A. 13:9A-1 et seq).

Before you apply for a permit to conduct a regulated activity on coastal wetlands, you are encouraged to request a pre-application conference. If you need a Wetlands Permit, you must next determine whether you need a Type A or a Type B permit. Type A permits are required for minor projects including excavation of small boat mooring slips, maintenance or repair of bridges, roads or highways, and construction of piers, catwalks, docks, landings, and observation decks. The permit requirement does not pertain to emergency repairs necessitated by a natural disaster or sudden and unexpected mechanical, electrical or structural failure. Type B permits are required for the installation of utilities, excavation for boat channels and mooring basins, construction of impoundments and sea walls, water diversion, and the use of pesticides.

For both Type A and Type B permits, you must submit the following:

1. A completed application form (DEP Form CP-1);

2. A plan of the proposed project;

3. A map showing the proposed structures and boundaries of the project area;

4. A list of the names and addresses of adjacent property owners; and

5. Evidence that the applicant has obtained the right to use or occupy tidelands; and

6. An application fee, determined by the 90-Day Construction Permit Regulations. The fee for a Type A Permit is 1/2 of one percent of the construction cost or a minimum of $100. The fee for a Type B Permit is 1/2 of one percent of the construction cost or a minimum of $300.

If you are applying for a Type B permit, you must also submit an Environmental Impact Statement and notify the U.S. Army Corps of Engineers and the local County Planning Board of your intent to file an application by sending them a copy of the CP-1 Form.

After receiving the application, the Division has 20 days to review it for completeness. During this time, the Division may request additional information. If additional information is submitted, you will receive notice within 15 days of receipt whether the application is now complete for filing. Once the application is accepted as complete for filing, the Division has 90 days in which to make a permit decision. If a decision is not made within 90 days, your application is automatically approved.

A public hearing is not required for Wetlands Permit applications, but may be scheduled if the Division feels that public interest justifies a hearing.

Figure 3 is a flow chart of the Waterfront Development and Wetlands Permits application process.

Tidelands Statutes

There are three kinds of tidelands instruments: grants, leases and licenses A grant conveys full ownership to the applicant. A lease conveys use of the property for a fixed number of years, and is usually issued for projects involving solid fill (such as a bulkhead). A license also allows use of the property for a fixed number of years (usually 10 or less), and is the type of instrument most commonly used for residential docks and piers.

If you need to obtain a Tidelands grant, lease or license, you must apply to the Tidelands Resource Council. Prior to submitting an application, you are encouraged to request a pre-application conference with the Division of Coastal Resources, Bureau of Tidelands, which serves as staff to the Council. The Bureau of Tidelands uses two different application forms which vary only slightly, one for licenses and one for grants and leases.

You must submit the following items with your application:

1. A current survey, prepared by a licensed surveyor, showing the applicant's upland property and the boundaries of the tidelands area applied for, the location of the mean high water line, the depth of the waterway at mean low water, the names of adjoining property owners, and a diagram of proposed or existing structures within the applied for area; and
2. A certificate of title signed by an attorney at law or representative of a title company demonstrating evidence that you own the upland property, or have the permission of the upland owner to apply for the conveyance (State law gives the upland owner first right to apply).

A Twenty-five dollar fee is required for an application for a Tidelands grant only. There is no fee for a Tidelands lease or license application.

At the time you submit a Tidelands application, you must also submit an application for a Waterfront Development permit to the Division's Bureau of Coastal Project Review. Your Tidelands application will not be considered complete until this is done. When the application has been determined complete for review, it will be scheduled for discussion by the Tidelands Resource Council. The Council's real estate appraiser will evaluate the property, and this evaluation will be considered by the Council in making its decision. This value represents the annual rental in the case of a lease or license, or the full value of the property in the case of a grant. If your application involves legalizing an existing structure, the value may include back rental for past use. If the Council votes to approve the application, it will certify the decision at the next meeting when it approves the minutes of the previous meeting. The Commissioner of DEP then receives the minutes for approval or disapproval.

Figure 4 is a flow chart of the Tidelands conveyance process.

Figure 3

WETLANDS AND WATERFRONT (RIPARIAN) DEVELOPMENT PERMIT APPLICATION PROCESSES

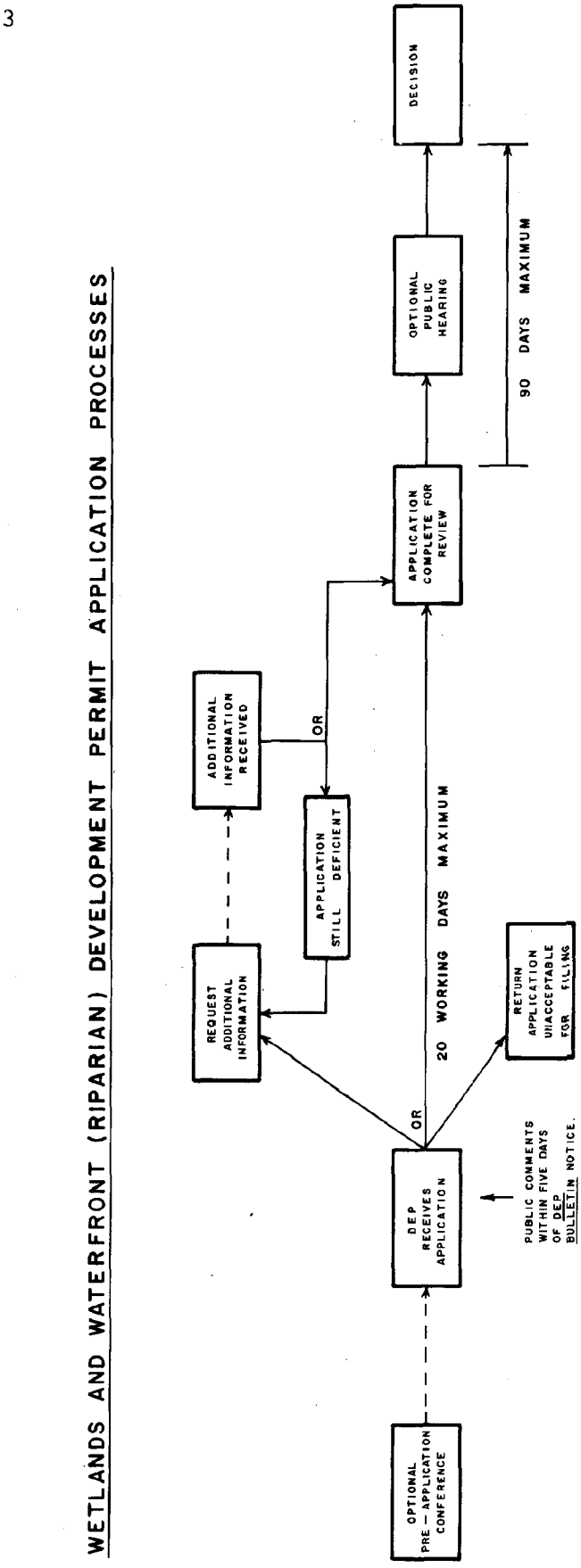
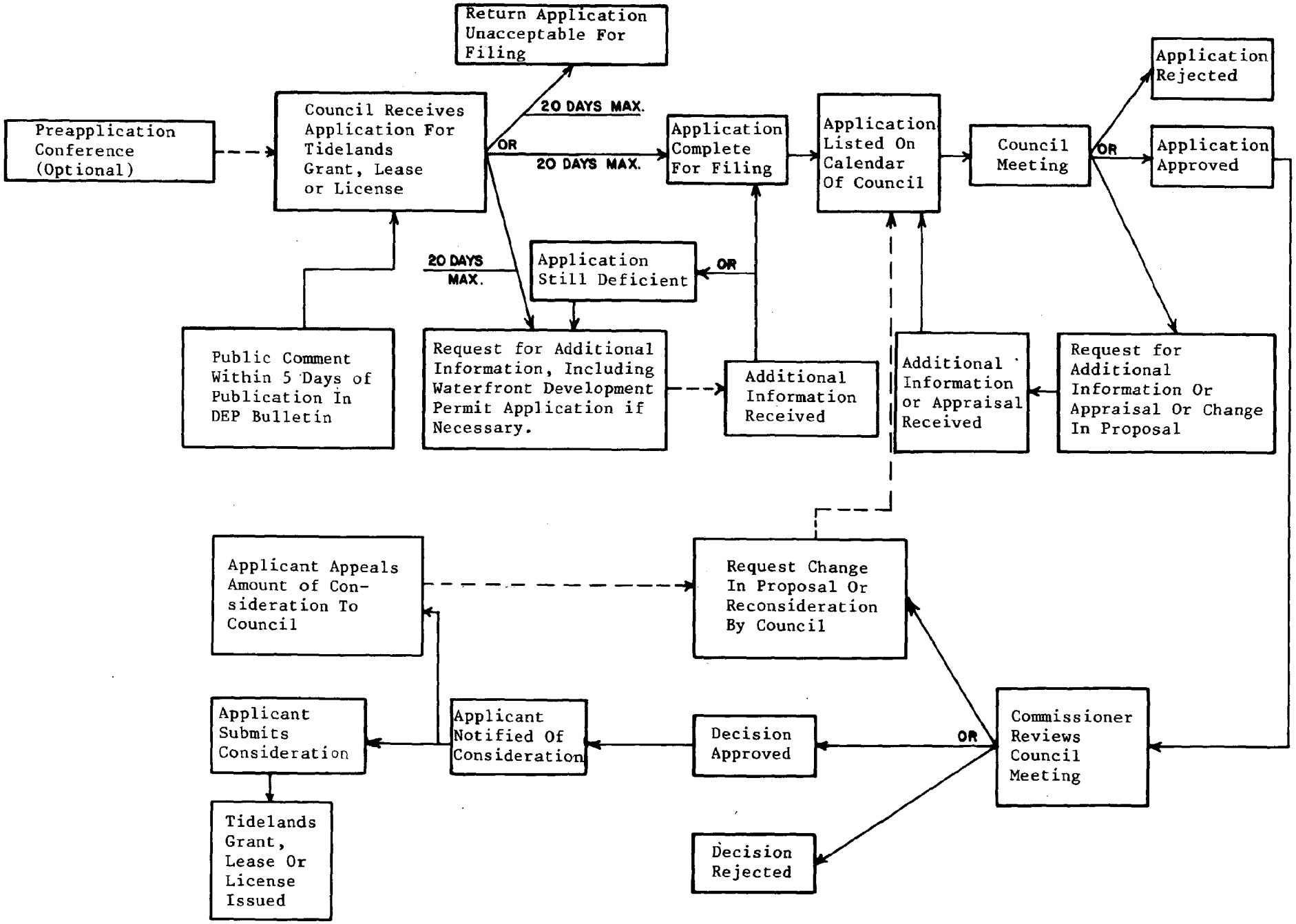


Figure 4

TIDELANDS APPLICATION PROCESS



Multiple Permit Projects

If your project requires several coastal permits, you must submit a separate CP-1 application for each one, with the information requirements for each. If you need to apply for both a CAFRA and a Type B Wetlands Permit, you may prepare only one EIS to submit with both applications. If both CAFRA and Wetlands Type A or Waterfront Development Permits are required, the second application will not be considered complete for review until the CAFRA application is complete for review. In this way, the Division will make a single decision on multiple permit projects.

Environmental Impact Statement Requirements

When you submit your application for a CAFRA or a Type B Wetlands Permit, you must also submit an Environmental Impact Statement (EIS). An EIS is not required for applications for Type A Wetlands Permits, Waterfront Development Permits, and Tidelands conveyances.

A pre-application conference is a good way to begin preparation of an EIS. Often attending a pre-application conference can reduce the amount of information you need to supply since you receive guidance from a project review officer. The Division already has some site specific information which you need not repeat in an EIS.

All EIS's should use the Coastal Resource and Development Policies as an outline. Within the EIS, you should locate and map the various location types as identified in the Location Policies, and describe in a detailed and factual manner how the proposal complies with the Location Policies. If you are applying for a Type B Wetlands Permit, the Local Policies with which you will be principally concerned are those dealing with Wetlands (N.J.S.A. 7:7E-3.26 and 3.27). You should compare the various uses proposed with the Use Policies, and describe in a detailed and factual manner how the use complies with these Policies. Finally, you should identify the coastal resources which will be affected by the proposed project, and describe in a detailed and factual manner the resulting effect and the means of compliance with the Resource Policies.

1. An EIS for a CAFRA permit must contain information needed to evaluate the effects of a proposed project on the environment of the coastal area.

The statement should include:

(a) An inventory of existing environmental conditions at the project site and in the surrounding region which shall describe air quality, water quality, water supply, hydrology, geology, soils, topography, vegetation, wildlife, aquatic organisms, ecology, demography, land use, aesthetics, history, and archaeology.

(b) A project description which shall specify what is to be done and how it is to be done, during construction and operation;

(c) A listing of all licenses, permits or other approvals as required by law and the status of each;

(d) An assessment of the probable impacts of the project upon all topics described in (a);

(e) A listing of adverse environmental impacts which cannot be avoided;

(f) Steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region;

(g) Alternatives to all or any part of the project with reasons for their acceptability or unacceptability; and

(h) A reference list of pertinent published information relating to the project, the project site, and surrounding region (N.J.A.C. 7:7D-2.4).

2. An EIS for a Type B Wetlands Permit should describe and analyze all possible direct and indirect effects of the proposed activity on the site itself as well as on adjacent and noncontiguous areas. The EIS shall refer particularly to the effect of the project on public safety, health and welfare, the protection of public and private property, the public trust in submerged lands and wildlife and marine fisheries, the protection, preservation and enhancement of the natural environment and the preservation of the ecological balance of the wetlands. It shall relate ecological and physical characteristics of the proposed activity site to local vegetation, birds, mammals, tidal circulation, hydrology, meteorology, geology, soils, land use, recreation and history and, in addition, it shall describe and analyze:

(a) The reasons that structures cannot be located on lands other than wetlands;

(b) Temporary and permanent physical changes which would be caused by the proposed activity and the impact of these changes on the activity area and immediate environs;

(c) Alternatives to the proposed action which would reduce or avoid environmental damage;

(d) All measures to be taken during and after the completion of the proposed activity to reduce detrimental on-site and off-site effects; and

(e) Adverse environmental impacts which cannot be avoided.

CHAPTER THREE
HOW WILL THE PERMIT DECISION BE MADE?

The Rules on Coastal Resource and Development Policies (N.J.A.C. 7:7E-1.1 et seq.) of the Coastal Management Program guide the Division of Coastal Resources in reviewing permit applications under all three coastal permit laws. The Bureau of Coastal Project Review in the Division analyzes applications for CAFRA, Wetlands, and Waterfront Development permits based upon these rules, and makes recommendations to the Division Director to approve, conditionally approve, or deny an application.

Overview of Coastal Resource and Development Policies

The Coastal Resource and Development Policies are grouped into three categories: Location Policies, Use Policies, and Resource Policies. Eight basic coastal policies, however, guide the direction of the specific policies:

1. Protect and enhance the coastal ecoystem.

2. Concentrate rather than disperse the pattern of coastal residential commercial, industrial, and resort development and encourage the preservation of open space.

3. Employ a method for decision-making which allows each coastal location to be evaluated in terms of both the advantages and the disadvantages it offers for development.

4. Protect the health, safety and welfare of people who reside, work and visit in the coastal zone.

5. Promote public access to the waterfront through linear walkways and at least one waterfront park in each waterfront municipality.

6. Maintain active port and industrial facilities, and provide for necessary expansion in adjacent sites.

7. Maintain and upgrade existing energy facilities, and site additional energy facilities determined to be needed by the N.J. Department of Energy (DOE) in a manner consistent with the policies of this Coastal Management Program.

8. Encourage residential, commercial, and recreational mixed-use redevelopment of the developed waterfront.

In addition, Section 10 of the Coastal Area Facility Review Act requires that seven findings be made before a permit may be issued:

1. The project must conform with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards.

2. It must prevent air emissions and water effluents in excess of the existing dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.

3. It must provide for the handling and disposal of litter, trash, and refuse in such a manner as to minimize adverse environmental effects and the threat to the public health safety, and welfare.

4. It must result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.

5. It must cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.

6. It must be located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety,and welfare.

7. It must result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing scenic and aesthetic attributes at the site and within the surrounding region.

The comments of the review agencies together with the Division's Coastal Location Acceptability Method, "CLAM Analysis" (see below), based upon the Coastal Resource and Development Policies allow the Division of Coastal Resources to determine whether these eight conditions are met. A discussion of the role of review agencies is found later in this chapter.

Coastal Location Acceptability Method (CLAM)

The Coastal Location Acceptability Method (CLAM) is a three-step process which the Division uses to produce predictable and consistent coastal permit decisions. The initial analysis examines the project with reference to Location Policies which address the area in which the site is located. Next the application is analyzed with reference to the Use Policies to determine whether the proposed use is suitable to the location. Last, the project is examined with reference to the Resource Policies to assess the acceptability of the development's impact on coastal resources. Figure 5 portrays the CLAM procedure in schematic form.

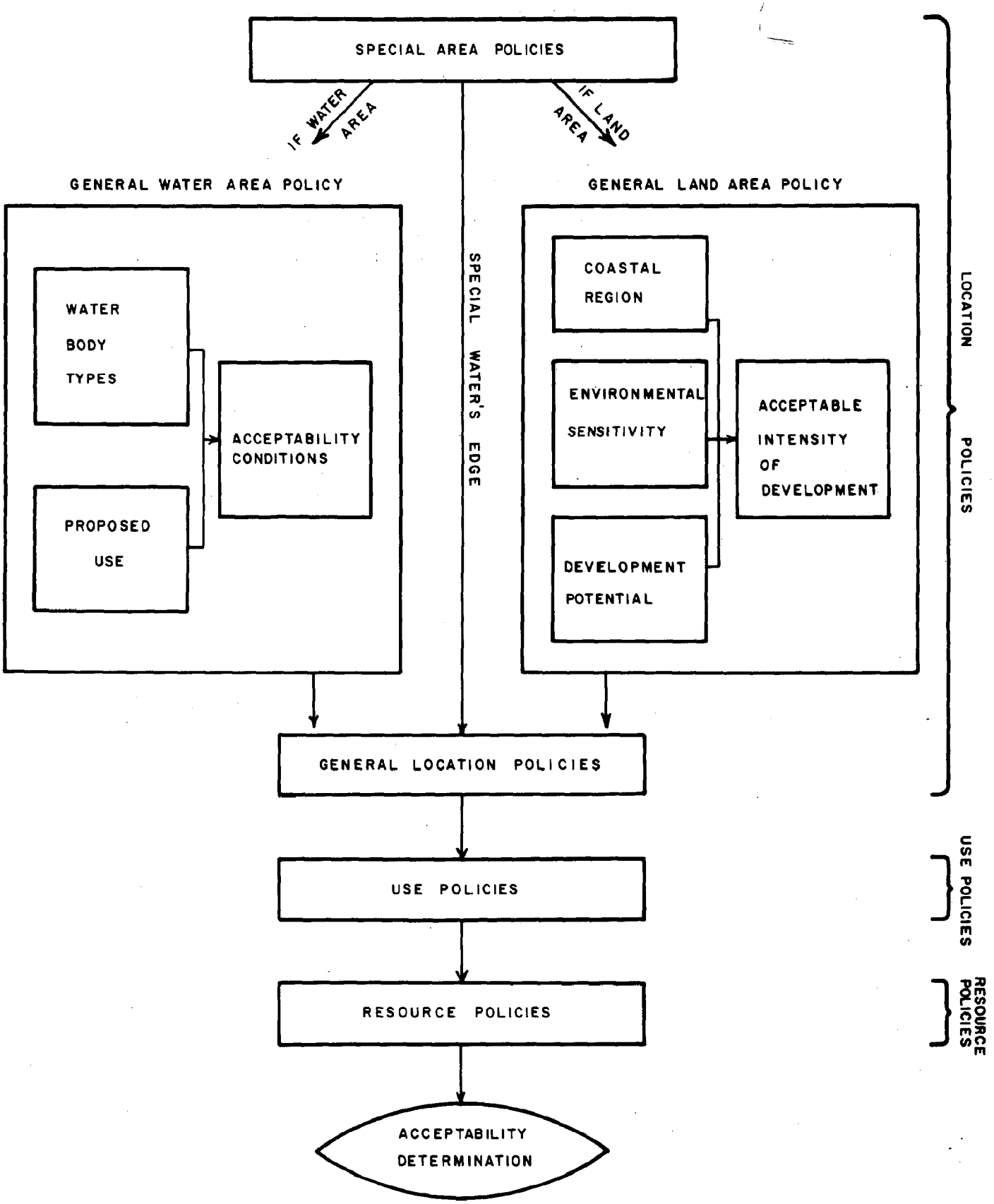
Location Policies

The coastal land and water areas of New Jersey are diverse. The same development placed in different locations will have different impacts on the coastal ecosystem and built environment, as well as different economic, social and energy use implications. Different policies are therefore required for different locations.

The Location Policies classify all land and water locations into General Areas and/or into one or more Special Areas. Special Areas are those 44 types of coastal areas which merit focused attention and special management policies. They are classified into Special Water Areas, Special Water's Edge Areas, Special Land Areas, and Coastwide Special Areas. Special Water Areas extend landward no farther than the mean high water line. Special Water's Edge Areas extend from the mean high water line (or the level of normal flow in non-tidal streams) to one of the following: the inland limit of alluvial soils with a seasonal high water table equal to or less than one foot; the one hundred year flood hazard line, whether tidal or fluvial; the inland limit of water's edge fill; or the inland limit of coastal bluffs, whichever extends furthest inland. Special Land Areas are landward of the Water's Edge. Coastwide Special Areas may include Water, Water's Edge or Land Areas.

Figure 5

COASTAL LOCATION ACCEPTABILITY METHOD



The following are Special Areas:

- Shellfish Beds
- Surf Clam Areas
- Prime Fishing Areas
- Finfish Migratory Pathways
- Submerged Vegetation
- Navigation Channels
- Canals
- Inlets
- Marina Moorings
- Ports
- Submerged Infrastructure Routes
- Shipwrecks and Artificial Reefs
- Estuarine or Marine Sanctuary
- Wet Borrow Pits
- Intertidal Flats
- Filled Water's Edges
- Existing Lagoon Edges
- Natural Water's Edge - Floodplains
- Alluvial Flood Margins
- Beaches
- Dunes
- Overwash Fans
- Erosion Hazard Areas
- Central Barrier Island Corridor
- Wetlands
- Wetlands Buffers
- Cranberry Bogs
- Wet Borrow Pit Margins
- Coastal Bluffs
- Intermittent Stream Corridors
- Farmland Conservation Areas
- Steep Slopes
- Dry Borrow Pits
- Historic and Archaeological Resources
- Specimen Trees
- Endangered or Threatened Wildlife or Vegetation Species Habitats
- Critical Wildlife Habitats
- Public Open Space
- Special Urban Areas
- Pinelands National Reserve and Pinelands Protection Area
- Hackensack Meadowlands District
- Wild and Scenic River Corridors

Special Area Policies are found in Subchapter 3 of DEP's Rules on Coastal Resource and Development Policies (N.J.A.C. 7:7E-3.1 et seq.).

All coastal areas except the Special Water's Edge are also subject to General Land Area or General Water Area Policies.

General Water Areas include all areas which lie below either the Mean High Water Line or the normal water level of non-tidal waters. Except at times of drought or extreme low tide, these areas are inundated.

Using volume and flushing rate as criteria, General Water Areas are divided by volume and flushing rate into oceans, open bays, semi-enclosed and back bays, tidal guts, large rivers, medium rivers, creeks and streams, and lakes, ponds and reservoirs. Some of these types are further divided for policy purposes into different depths.

A Policy Summary Table, which indicates the Location Policy for the introduction of various uses in each of the General Water Areas, is included for quick reference (See Figure 6). Policies for General Water Areas are fully explained in Subchapter 4 of the Coastal Resource and Development Policies (N.J.A.C. 7:7E-4.1 et seq.).

General Land Areas include all mainland land features located upland of Special Water's Edge Areas. The acceptability for development of Land Areas is defined in terms of three levels of acceptable development intensity. Three factors determine the acceptable development intensity for various locations in Land Areas:

Figure 6

WATER AREA POLICY SUMMARY TABLE

Use \ Water Area Type	Ocean		Open Bay			Semi Enclosed and Back Bay		Tidal Guts	Large Rivers	Medium Rivers, Creeks and Streams	Lakes, Ponds and Reservoirs	Man-Modified Harbors
	18'+	0-18'	18'+	6-18'	0-6'	6'+	0-6'					
Aquaculture	C	C	C	C	C	C	C	C	C	C	C	C
Boat Ramps	/	P	/	C	C	C	C	C	C	C	C	C
Docks (cargo)	C	C	C	C	C	C	C	P*	C	C	/	C
Docks (recreation)	C	C	C	C	C	C	C	C	C	C	C	C
Dredging (maintenance)	C	C	C	C	C	C	C	C	C	C	C	C
Dredging (new)	C	C	D	D	D	D	D	D*	C	C	C	D
Spoil Disposal	C	C	C	C	D	C	D	P*	C	P	C	P
Dumping	P	P	P	P	P	P	P	P	P	P	P	P
Filling	D	D	P	D	D	D	D	D	D	D	P	D**
Piling	D	C	D	C	C	C	C	C	C	C	D	C
Mooring	C	C	C	C	C	C	C	C	C	C	C	C
Sand, Gravel Extraction	C	D	D	D	D	D	D	P	C	C	P	C
Bridges	/	/	D	D	D	D	D	C	C	C	P	P
Submerged Infrastructure	C	C	C	C	C	C	C	D*	C	C	C	C
Overhead Lines	/	/	P	P	P	P	P	C	D	C	P	C
Dams & Impoundments	/	/	/	/	/	P	D	P	P	D	/	/
Outfalls & Intakes	C	C	C	C	C	C	C	C	C	C	C	C
Realignment	/	/	D	D	D	D	D	D	D	D	D	D
Miscellaneous	C	C	C	C	C	C	C	C	C	C	C	C

*Conditionally acceptable in the Arthur Kill and Kill Van Kull

Note: Depths are mean depth of water

P = Prohibited

D = Discouraged

C = Conditionally Acceptable

/ = Impractical

1. Coastal Growth Rating - The coastal zone is classified into 13 regions on the basis of existing coastal development and natural and cultural resources. Three growth strategies affect coastal policy in each of these regions:

   a. Development Regions - Already largely developed, these regions are preferred for additional development over other regions, all other factors being equal.
   b. Extension Regions - These regions are close to development regions. Development should be channelled here when appropriate sites are not available in the Development Regions.
   c. Limited Growth Regions - Largely undeveloped and containing environmentally sensitive areas, these regions should generally contain only infill development. Planned Unit Developments are, however, conditionally acceptable in these regions.

2. Environmental Sensitivity - The level of a site's environmental sensitivity -- High, Moderate, or Low -- depends on the presence of three factors:

   a. Vegetation
   b. Fertile soils
   c. High permeability wet soils

   The presence of these factors indicates high environmental sensitivity; their absence indicates low environmental sensitivity.

3. Development Potential - The level of development potential -- High, Medium or Low -- depends on the presence of three factors:

   a. Roads
   b. Sewerage
   c. Surrounding development

   The presence of these factors indicates high development potential; their absence indicates low development potential.

The synthesis of these three factors indicates the appropriate pattern of development from a broad, regional perspective and provides a method for determining the acceptable intensity of development of specific sites, as well as entire regions. The method of assessment is found in Subchapter 5 of the Coastal Resource and Development Policies. Figure 6 contains the Land Acceptability Tables.

Subchapter 6 of the Coastal Resource and Development Policies (N.J.A.C. 7:7E-6.1 et seq.) contains the General Location Policies. Linear development is subject to specific location policies. In addition, coastal development that induces further development must demonstrate that these secondary impacts satisfy the Coastal Resource and Development Policies.

Use Policies

The second stage in the screening process of the Coastal Resource and Development Policies is a set of policies for particular uses of coastal resources. These policies are found in Subchapter 7 of the Coastal Resource and Development Policies. They do not preempt Location Policies which restrict development, unless specifically stated. In general, Use Policies impose conditions which must be satisfied by specific uses, in addition to meeting the Location Policies and Resource Policies.

Figure 7

Land Acceptability Table: Development Region

(Urban Areas, Northern Waterfront, Northern, Central, Absecon-Somers Point Regions, and Delaware River)

	DEVELOPMENT POTENTIAL			ENVIRONMENTAL SENSITIVITY			ACCEPTABLE DEVELOPMENT INTENSITY		
Area Type Number	High	Medium	Low	Low	Medium	High	High Intensity	Moderate Intensity	Low Intensity
1	X			X			X		
2	X				X		X		
3	X					X		X	
4		X		X			X		
5		X			X		X		
6		X				X			X
7			X	X					X
8			X		X				X
9			X			X			X

Land Acceptability Table: Extension Region

(Southern, Western Ocean, and Barnegat Corridor Regions)

	DEVELOPMENT POTENTIAL			ENVIRONMENTAL SENSITIVITY			ACCEPTABLE DEVELOPMENT INTENSITY		
Area Type Number	High	Medium	Low	Low	Medium	High	High Intensity	Moderate Intensity	Low Intensity
1	X			X			X		
2	X				X		X		
3	X					X		X	
4		X		X				X	
5		X			X			X	
6		X				X			X
7			X	X					X
8			X		X				X
9			X			X			X

Land Acceptability Table: Limited Growth Region

(Mullica-Southern Ocean, Great Egg Harbor River Basin, and Delaware Bayshore Regions)

	DEVELOPMENT POTENTIAL			ENVIRONMENTAL SENSITIVITY			ACCEPTABLE DEVELOPMENT INTENSITY		
Area Type Number	High	Medium	Low	Low	Medium	High	High Intensity	Moderate Intensity	Low Intensity
1	X			X				X	
2	X				X			X	
3	X					X			X
4		X		X					X
5		X			X				X
6		X				X			X
7			X	X					X
8			X		X				X
9			X			X			X

Coastal uses are classified in the following categories:

Housing	Mining
Resort and recreational	Ports
Energy	Commercial facility
Transportation	Coastal engineering
Public facility	Dredge spoil disposal on land
Industry	National defense facilities

Resource Policies

The third step in the screening process of the Coastal Resource and Development Policies involves a review of a proposed development in terms of its effects on various resources of the built and natural environment of the coastal zone, both at the proposed site as well as in its surrounding region. These policies serve as performance standards to which proposed development must adhere. The Resource Policies are found in Subchapter 8 of the Coastal Resource and Development Policies.

The Resource Policies concern the following resources:

Marine Fish and Fisheries	Runoff
Shellfisheries	Soil Erosion and Sedimentation
Water Quality	Vegetation
Surface Water Use	Important Wildlife Habitat
Groundwater Use	Air Quality
Public Services	High Permeability Moist Soils
Public Access to the Shorefront	Wet Soils
Scenic Resources and Design	Flood Hazard Areas
Buffers and Compatibility of Uses	Decommissioning of Projects
Solid Waste	Noise Abatement
Energy Conservation	Barrier Free Design
Neighborhoods and Special Communities	Traffic

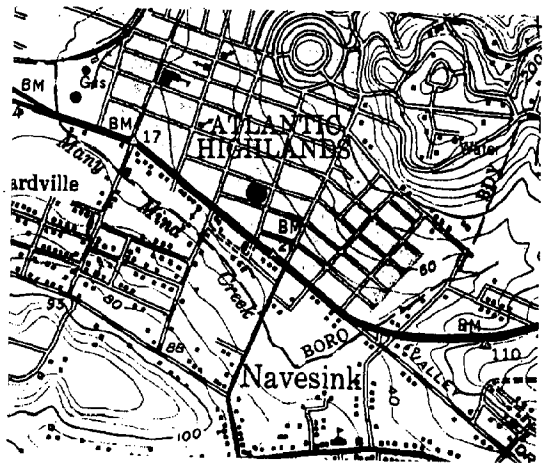
Hypothetical Case Study: Winslow Village
-CAFRA Permit Application-

DEP receives an application to construct 132 townhouses on a 13.97 acre site in Monmouth County. The project requires a CAFRA permit because it is located within the CAFRA area and involves the construction of 25 or more housing units. The following is a step-by-step description of how the CLAM process determines the application's acceptability.

Step 1. Identify and Map Site and Surrounding Region

Source: USGS 7.5' Topographic Quadrangle Map, U.S. Department of the Interior, 1:24,000 scale

REGION MAP



● SITE

Step 2. Identify and Map Special Areas

On the site's western boundary are slopes with gradients between 15 and 25 percent. The Steep Slopes Policy (N.J.A.C. 7:7E-33) applies.

Source: USGS Slope Map and Site Survey.

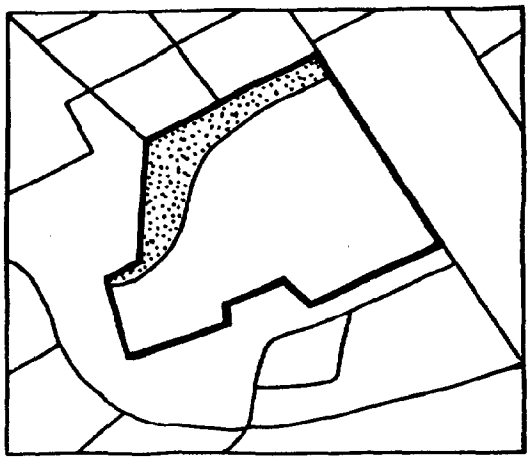
Policy: The Steep Slopes Policy is as follows:

Development on steep slopes is discouraged unless their use is essential to a reasonable use of the site. If some development of steep slopes meets that standard, then the development must:

1. Produce minimum feasible site disturbance,

2. Provide for maximum feasible vegetation of the steep slope, especially with native woody vegetation,

SPECIAL AREAS



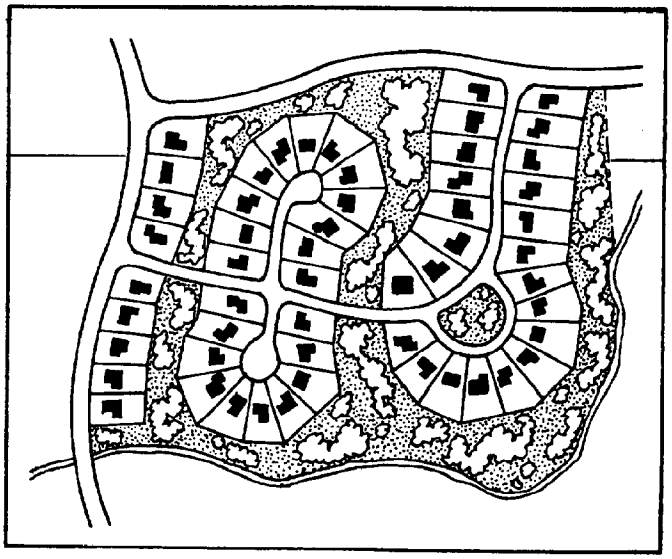
STEEP SLOPES

3. Be consistent with the natural contour of the site to the maximum extent feasible,

4. Include limited stabilization measures, if necessary, such as terracing and paving, that are consistent with the natural or predevelopment character of the entire site, to the maximum extent practicable, and

5. Meet the Resource Policies for Runoff and Soil Erosion and Sedimentation (7:7E-8.7 and 7:7E-8.8).

Analysis: Development of the Steep Slopes is not essential to a reasonable use of the site, since Steep Slopes cover less than 25 percent of the site and are located along one border. A cluster housing arrangement can avoid the need for construction on Steep Slopes, without limiting the number of units. The applicant must submit a site plan which avoids construction on Steep Slopes.



Step 3: Identify and Map General Water Areas

There are no Water areas on this site. General Water Area Policies do not apply.

Source: USGS 7.5' Topographic Quadrangle Map

Step 4: Identify and Map General Land Areas

Source: USGS 7.5' Topographic Quadrangle Map and Soil Survey of Monmouth County

Analysis: The site is located in the North Shore Region, which is designated a Development Region.

To determine the acceptable intensity of development, the site's development potential and environmental sensitivity are considered. The site has access to sewerage and to paved public roads. More than 50 percent of the site's boundaries are adjacent to existing residential development. The development potential, therefore, is high.

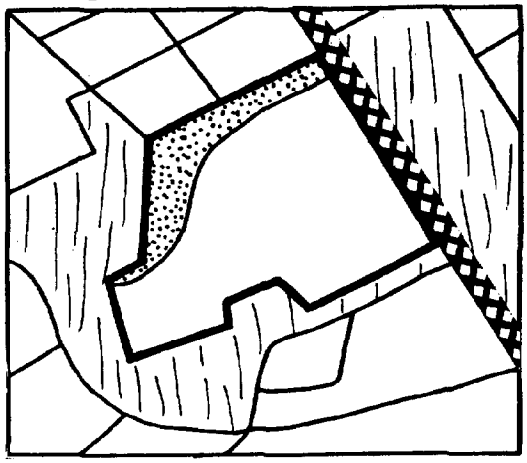
The entire site has moderate environmental sensitivity since it is an early successional meadow with soils of Agricultural Capability Class III and depth to seasonal high water table greater than three feet.

High Development Potential combined with Moderate Environmental Sensitivity in a Development Region allows High Intensity of Development.

Step 5: Use Policies

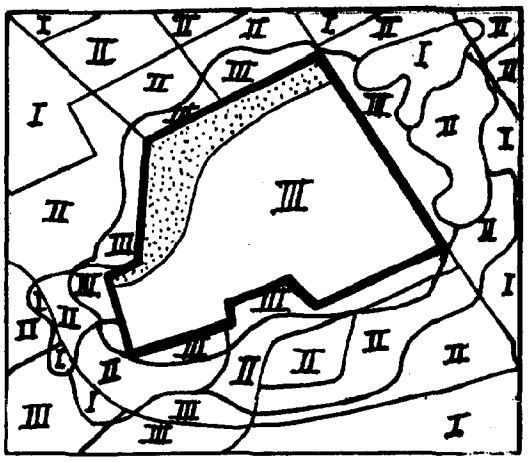
The project must meet the Housing Use Policies (N.J.S.A. 7:7E-7.2). The Cluster Development Policy (N.J.A.C.7:7E-7.2(c)) is relevant:

DEVELOPMENT POTENTIAL



STEEP SLOPES
EXISTING RESIDENTIAL DEVELOPMENT ADJACENT (INFILL CRITERION IS MET)
PAVED ROAD WITH SEWER LINE

ENVIRONMENTAL SENSITIVITY



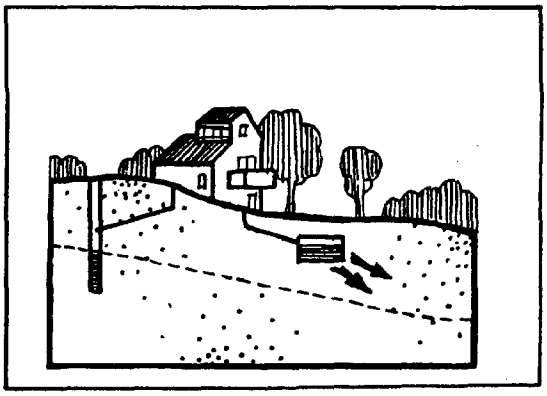
SOIL CAPABILITY IS CLASS III FOR ENTIRE SITE. THERE ARE NO HIGH PERMABILITY MOIST SOILS. ENTIRE SITE HAS MODERATE ENVIRONMENTAL SENSITIVTY.

Housing developments are encouraged to cluster dwelling units on the areas of sites most suitable for development.

Analysis: The applicant must submit a site plan with cluster housing to meet this Policy.

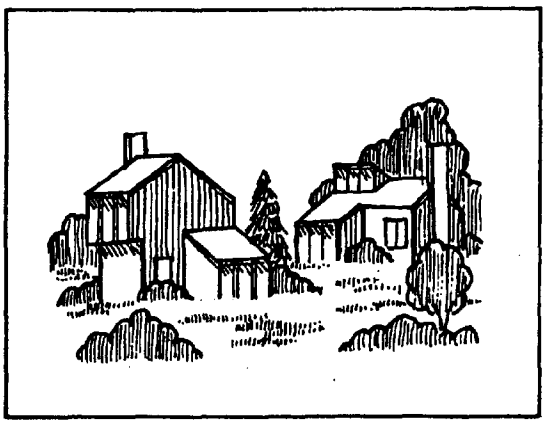
Step 6: Resource Policies

The proposed project will not have a significant impact on any coastal resource protected by the Resource Policies. Since development will not occur on Steep Slopes, the Runoff (N.J.A.C. 7:7E-8.7) and Soil Erosion and Sedimentation (N.J.A.C.7:7E-8.8) Policies can be met. The project meets the requirements of the Water Quality Policy (N.J.A.C. 7:7E-8.4) since it will not prevent attainment of surface water and groundwater standards.



Step 7: Acceptability Determination

The hypothetical project is conditionally acceptable. The applicant must submit a site plan showing clustered housing on the part of the site where there are no Steep Slopes to meet the Steep Slopes and Cluster Housing Policies. The project, if sensitively designed, could meet the relevant Resource Policies.



Role of Review Agencies

Although all CAFRA, Wetlands and Waterfront Development Permit applications are reviewed for consistency with the Rules on Coastal Resource and Development Policies, CAFRA applications and selected Wetlands and Waterfront Development Permit applications are also reviewed by other State agencies to ensure that the proposed project will not have unacceptable impacts upon resources which those agencies are responsible for protecting. The following agencies review coastal permits based on their expertise in administering their respective responsibilities.

Department of Environmental Protection

Division of Water Resources - Responsible for water quality under Section 208 of the Federal Clean Water Act and under the New Jersey Water Pollution Control Act. It also regulates building within stream areas and in designated floodways.

Division of Environmental Quality - Responsible for air quality under the Federal Clean Air Act and for solid waste disposal.

Division of Fish, Game and Wildlife - Administers Federal Endangered Species Act.

Office of Cultural and Environmental Services - Responsible for archaeological and cultural resources.

Green Acres Program - Responsible for the New Jersey State Comprehensive Outdoor Recreation Plan (SCORP).

Department of Community Affairs

Division of State and Regional Planning - Responsible for the State Development Guide Plan and the Municipal Land Use Law.

Department of Labor

Division of Planning and Research - Responsible for siting and financing business and industry.

The Division of Coastal Resources considers the comments of the review agencies, the local municipality and county, and others who submit written or oral testimony in determining whether a proposed project is consistent with DEP's Rules on Coastal Resource and Development Policies, before the Division makes the final determination. County land use authority is over subdivision and site plans for traffic impacts on county roads. Municipalities have the power to enact and enforce zoning ordinances. The State and local governments act to check each other for in most cases a project must receive the appropriate approvals from both before construction may begin.

Tidelands Decisions

The Tidelands Resource Council, a twelve member body appointed by the Governor, may grant, lease or license the use of State-owned tidelands, so long as such action is in the public interest. The Division of Coastal Resources serves as staff to the Tidelands Resource Council, and provides an analysis of the consistency of each proposed use of tidelands with the Coastal Resource and Development Policies. This ensures that the Council will not convey tidelands for uses for which the required Waterfront Development Permit would be denied. The Commissioner of DEP may refrain from signing the Council minutes if an action of the Council is believed to be inconsistent with State policy including the Coastal Resource and Development Policies. If the minutes are not signed, an application is returned to the Council for reconsideration.

Decisions in the Hackensack Meadowlands District

The Hackensack Meadowlands Development Commission, (HMDC) a State-level regional agency, is the lead planning and management agency in a 31 square mile area encompassing part of the Hackensack River Estuary and associated wetlands and uplands. The HMDC's Master Plan and associated ordinances guide both the HMDC and DEP in their decision-making within the Meadowlands District. The HMDC has full planning and zoning powers within the District.

For development at and below mean high water in the Hackensack Meadowlands District, a Waterfront Development Permit is required from the Division. Permit decisions, however, are based solely upon the Special Area Policy for the Hackensack Meadowlands District (N.J.A.C. 7:7E-3.44), which states that the HMDC is the lead coastal planning and management agency within the District. The HMDC Master Plan Zoning Rules are adopted as part of the Coastal Management Program.

Energy Facilities

The New Jersey Department of Energy (DOE) and DEP have coextensive jurisdiction over energy facility siting in the coastal zone based on the Department of Energy Act (N.J.S.A.52:27-1 et seq.). To exercise this jurisdiction effectively, the two departments entered into a Memorandum of Understanding (MOU) in 1978. The MOU includes:

1. A procedure for DOE to review coastal permit applications;
2. A commitment for DEP and DOE to base their decisions on the State's Coastal Resource and Development Policies and the State Energy Master Plan. Generally, the Energy Master Plan addresses the need for new energy facilities and the Coastal Policies address their environmental impacts.
3. A procedure to resolve differences between the two agencies through an Energy Facility Review Board.

To date, there have been no conflicts between the two Departments and the Energy Facility Review Board has never had to meet.

Public Participation in the Review Process

Public participation is an essential element in the development and implementation of the Coastal Management Program. DEP offers opportunities for public participation in regulatory decision-making and continued coastal planning such as policy revision.

The three coastal permit programs (CAFRA, Wetlands, and Waterfront Development) all have public notice and hearing requirements. The Division notifies the appropriate county planning board, county environmental commission, municipal planning board, regional planning agency, county environmental commission, soil conservation district, and owners of land adjacent to the site proposed for development of pending applications. All pending applications are listed in the DEP Bulletin which is distributed free and has a current circulation of 1,600.

The Division holds a public hearing near the site of a proposal for every CAFRA permit application, and, at its discretion, for major Wetlands and Waterfront Development permit applications. Decisions to lease or sell publicly-owned tidelands are made by the Tidelands Resource Council at meetings which are open to the public. In addition, any interested person can review the Division's file on a pending application and submit written comments.

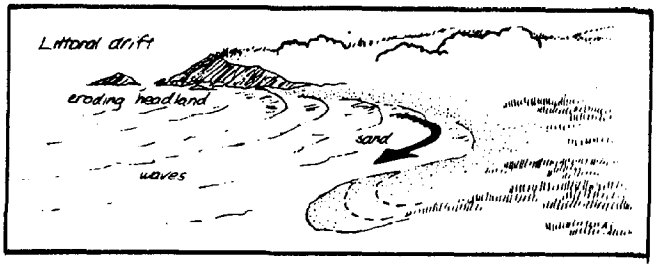
CHAPTER FOUR
HOW CAN I INCREASE MY PROSPECTS FOR APPROVAL?*

This chapter describes the workings of the natural system of the coast, and provides building techniques to use to comply with the Coastal Management Program's Location, Resource and Use Policies. These techniques are suitable for building in environmentally sensitive areas, and harmonize construction with the landscape. A reference to the appropriate coastal Policy follows each technique. The Policies were adopted as administrative rules (N.J.A.C.7:7E-1.1 et. seq. and were most recently revised in March, 1982.

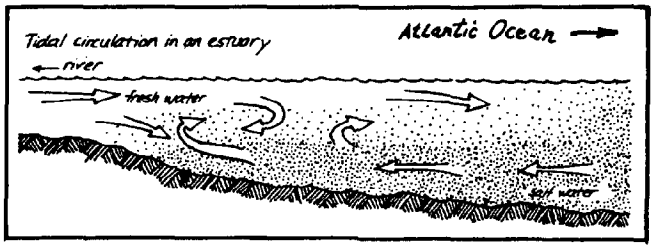
If you use some or any of the building techniques described in this chapter, you will not be guaranteed approval of your permit application. You will, however, have increased your prospects for approval since you will be building in harmony with the coastal ecosystem.

The Coastal Natural System

Beaches and Dunes protect marshes and adjacent upland from storms and erosion, provide wildlife habitat, and are of obvious scenic and recreational value. Waves and wind are constantly altering beaches and dunes. This is especially true during and after storms. The action of tidal currents and of waves striking a shoreline at an angle slowly moves sand and other materials along the shore. The littoral drift, as it is called, resupplies eroding beach with sand transported from offshore or other points along the coast. Erosion and movement of dunes is reduced by dune grasses and other vegetation, which trap and anchor the sand against natural forces. Activities which adversely affect the natural functioning of the Beach and Dune System are discouraged with some activities conditionally permitted (N.J.A.C. 7:7E-3.21).



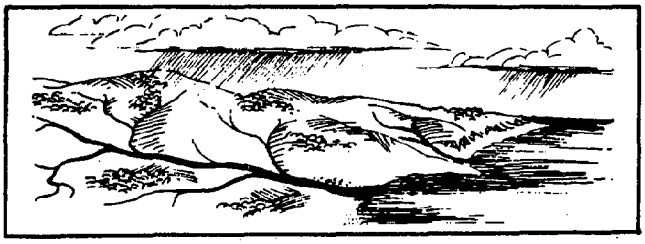
Dunes are easily damaged by most any human use. Walking through dune grasses kills them and increases erosion. On beaches and dunes, foundations for structures are usually unstable, danger of flooding and storm damage is extremely high, and water supply and waste disposal problems are frequent and expensive to solve. Development of dune areas is not recommended.



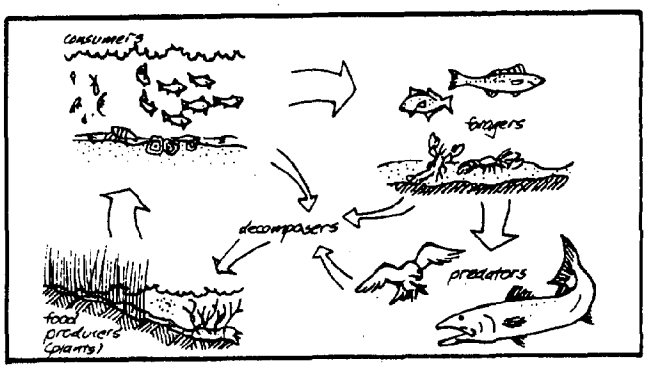
Estuaries are river mouths and bays where fresh and salt water meet. Because salt water is slightly heavier than fresh water, it usually moves up the estuary beneath outflowing fresh water. Fine-grained material tends to move upstream by this process, frequently causing dredged channels to silt in quickly. The mixing of water in estuaries creates a nutrient-rich habitat favorable to many forms of life, and helps to naturally cleanse polluted water.

* This chapter is based on Chapter Two of the State of Connecticut's Developer's Handbook, written by Allen Carrol. The New Jersey Coastal Management Program is grateful to the Connecticut Coastal Area Management Program for permission to borrow from the Developer's Handbook amd reproduce its sketches.

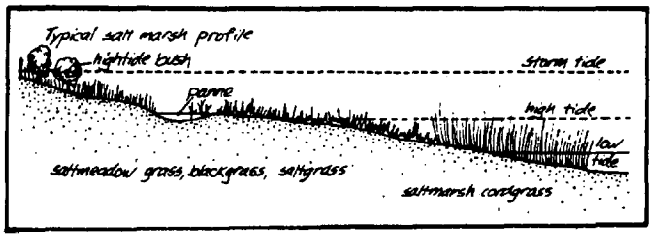
Nearly all of the fish of the Jersey shore are in one way or another dependent upon estuaries. Salmon and shad migrate through them to fresh water spawning areas; other species, such as striped bass, use estuaries as nursery areas. Development which creates a physical barrier to Finfish Migratory Pathways is prohibited unless mitigation measures are used (N.J.A.C. 7:7-3.5). For many other marine animals, estuaries are important in feeding and reproduction. Estuaries also provide habitat for blue crabs, oysters, and other commercially valuable shellfish. Any development which results in the destruction, contamination or condemnation of presently productive Shellfish Beds is prohibited (N.J.A.C. 7:7E-3.2). Also, destruction of submerged vegetation beds is generally prohibited, and conditionally acceptable only for trenching energy pipelines and Submarine Cables of national significance (N.J.A.C. 7:7E-3.6).



Land Areas exert an important influence on the natural systems of the coastline. The amount and quality of fresh water draining from land areas into estuaries determines the salinity and water quality of all coastal waters. The salinity in turn helps determine the type of animal and plant species in the estuaries, and to a degree the type of wetlands vegetation bordering the estuaries. Many animals need the lowered salinity in estuaries for spawning, for use as nursery areas, and for protection from salt water predators.

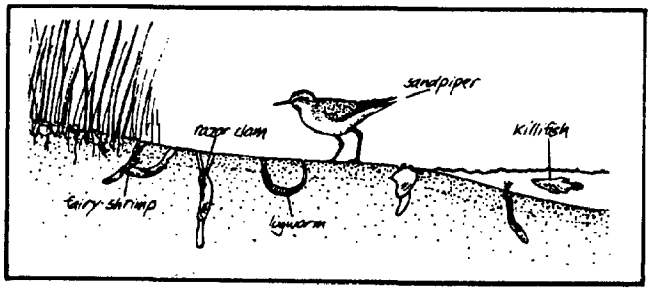


The food web begins with dead plant and animal matter and other sediments flowing into estuaries from upland areas. These materials are converted into food by marsh vegetation, marine algae, bacteria, and minute floating plants. The plants are eaten either by small fish, shellfish and other invertebrates, or by microscopic floating animals, which in turn are preyed upon by larger animals. Large fish, birds, and people are at the top of the food web having no natural predators. Other animals feed on dead plants and animals, reducing them into basic chemical consituents. These materials are used by plants, thus completing the cycle. Because all aspects of the biological system are interrelated, disruption of one part of the food web can affect many other parts.



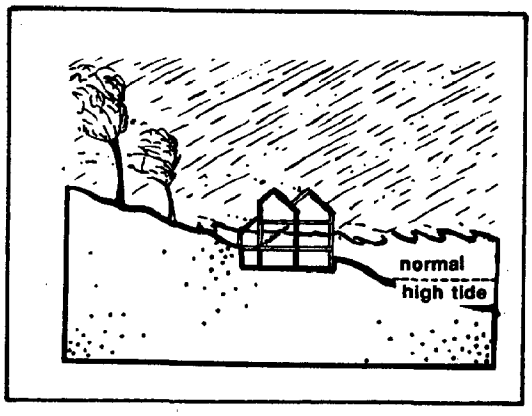
Tidal Wetlands (or salt marshes) trap and store enormous amounts of energy in soil and plants. Tidal flushing, the daily movement of salt water into and out of the marshes, washes this energy, in the form of as dead plant matter and microscopic

organisms, out into the estuaries and the ocean, where it serves as the primary link in the food web for marine life. Tidal wetlands are pollution filters, removing contaminants from water flowing through them. By slowing the surge of flood waters, they can reduce not only shore erosion but also flood damage to upland structures. Many fish species spawn or spend part of their life cycles in tidal wetlands. Marshes are also important breeding areas for certain waterfowl. The value of wetlands as wildlife habitat, cleansers of pollutants, nutrient producers and aesthetic attractions make their preservation vital. In general, development of all kinds is prohibited in Wetlands (N.J.A.C. 7:7E-3.23).

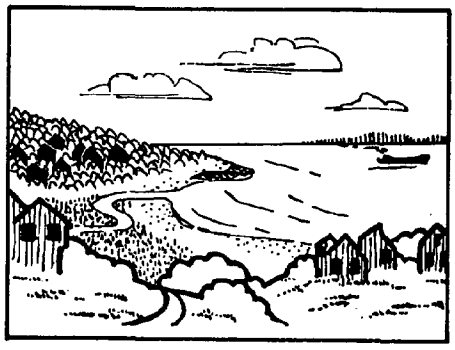


Intertidal Flats are unvegetated sandy or muddy areas exposed at low tide. Despite their barren appearance, they support large animal populations. Worms, crabs, and clams feed at high tide, and retreat into burrows as the tide recedes. High tide also brings juvenile and even adult fish, which graze on the exposed food supply. Millions of microorganisms in the tideflats serve as natural filters for cleaning polluted water. Developing, filling and new dredging of intertidal flats is generally discouraged (N.J.A.C. 7:7E-3.16).

Flood Plains bordering estuaries and the coastline are prone to periodic flooding and storm damage. Development of these areas should be limited to water-dependent activities such as boating and recreation (N.J.A.C. 7:7E-3.19).

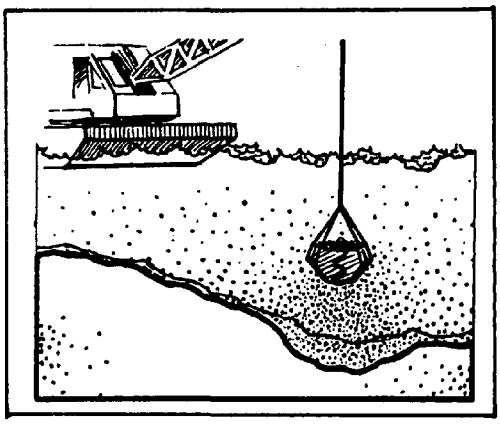


The design of any coastal development should allow and encourage Public Access to scenic views through the use of walkways open to the public and or by planning the size and location of roads and structures with their visual impact in mind (N.J.A.C. 7:7E-8.13). New Jersey's coastal waters and adjacent shorelands are valuable public resources which are limited in area. Past developments have often blocked the waters from public view and/or made physical access to the waterfront difficult or impossible. Future development should provide open space at the water for walking, sitting, viewing, jogging or bicycling.

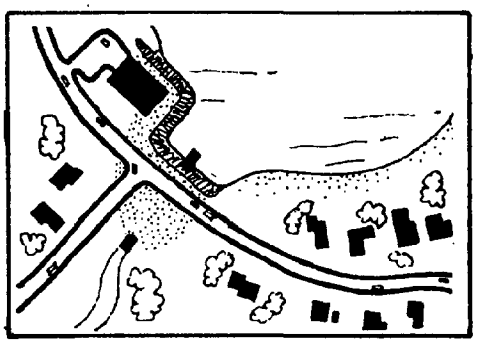


Dredging, Fill, and Structures

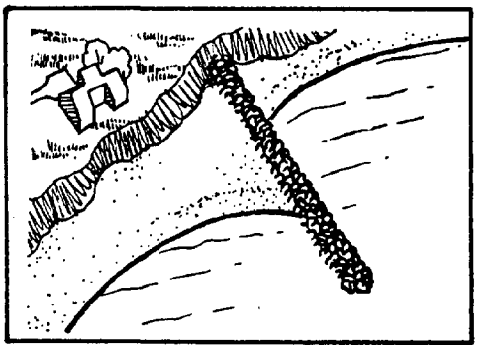
Dredging frequently changes water circulation and salinity and releases pollutants from bottom sediments. Fine silt disturbed through dredging clouds the waters and creates poor habitat for bottom organisms after settling. The silt is easily moved by tides and currents; clogged channels may require frequent redredging. Whenever possible, dredging should be avoided. If it is necessary, the spoil removal should be kept to a minimum, the dredging should take place during a time of the year when impacts would be minimized, and turbidity controls should be used (N.J.A.C. 7:7E-4.10(e) and (f)).



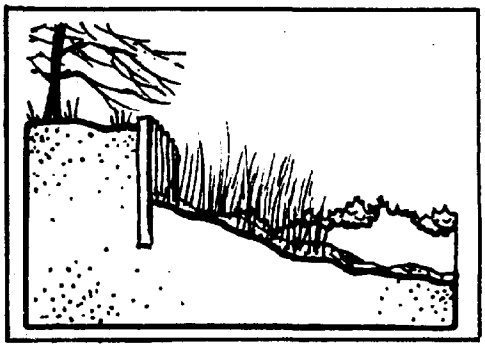
As a rule, waters should not be altered by Filling (N.J.A.C. 7:7E-4.10 (i)). Filled tidal areas are often subject to flooding and may result in erosion problems. In addition, filling alters the flow of water and sediments and destroys wildlife habitat and productive shallow areas. If it is necessary to install a structure in tidal waters, pilings are better than fill. Water, sediments, and wildlife can live and move freely beneath the pilings where a solid structure would have created an obstruction (N.J.A.C. 7:7E-4.10(j)).



Jetties, groins, and other Shore Protection Structures perpendicular to the shoreline often cut off the transport of sand by wave action. Sand may build up on the side of the barrier while the beach on the other side is starved for sand and erodes away. Avoiding such structures allows natural processes to resupply eroding beaches with sand (N.J.A.C. 7:7E-7.11 (e)).

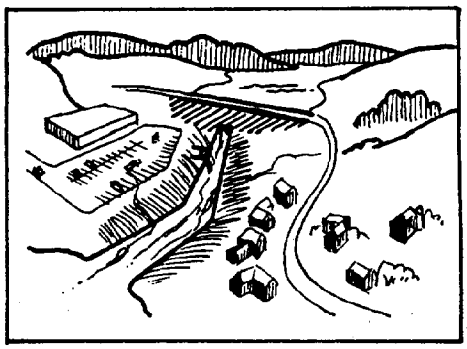


Bulkheading can usually be avoided by locating development away from eroding shorelines. If not, it may be possible to retain or establish a buffer strip or vegetation between the bulkhead and the water. This will help prevent undermining of the bulkhead, and will provide for wildlife habitat (N.J.A.C. 7:7E-7.11(e)).

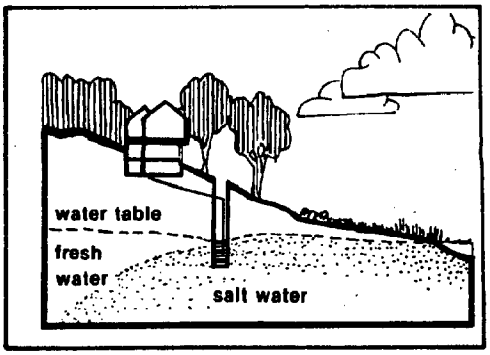


Developing the Coast Wisely

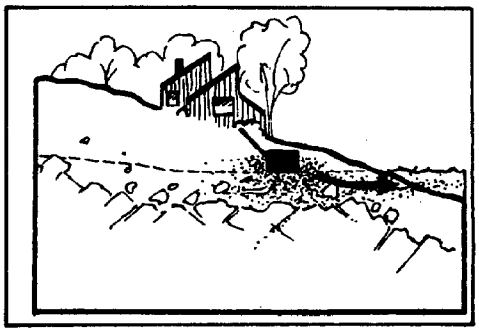
Natural drainage patterns of shorelands should be maintained. Channelization and diversion of coastal streams can increase pollution, change salinity levels, and decrease biological activity in estuaries by diverting flow from marshes, tideflats, and other shallow areas. Realignment of natural waterways is discouraged (N.J.A.C. 7:7E-4.10(r)).



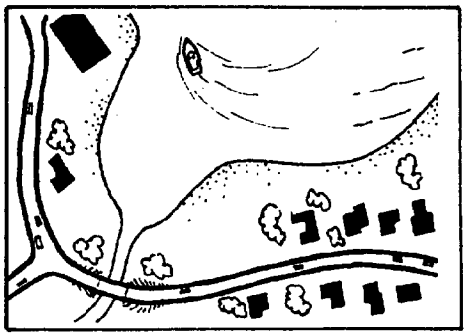
If wells are going to be used for water supply, fresh groundwater may be in short supply in many coastal areas. Excessive reliance on Groundwater Use sometimes causes salt water to contaminate wells (N.J.A.C. 7:7E-8.6).



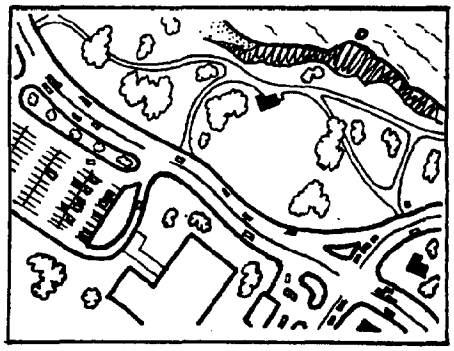
Poorly planned septic systems can be especially troublesome near the coastline. Since the water table is usually close to the surface, wastewater may enter the groundwater before it is properly cleansed. Highly permeable sandy soils and relatively impermeable marsh soils require special consideration in design and may limit development sites. Coastal development such as roads, parking lots, structures, subsurface sewage disposal areas, and discharge basins, should avoid High Permeability Moist Soils (N.J.A.C. 7:7E-8.20).



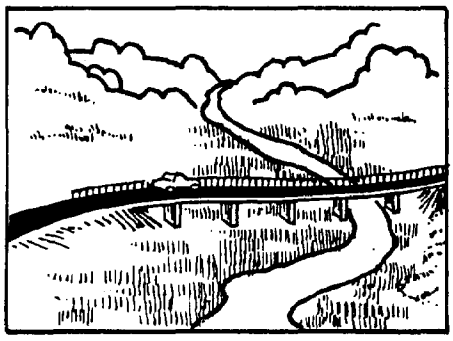
Development that will help restore the economic and social viability of depressed Urban Areas is encouraged especially if the development provides safe access to the waterfront (N.J.A.C. 7:7E-3.42). Urban development and redevelopment and Housing Rehabilitation will provide economic and social benefits to local residents and neighborhoods (N.J.A.C. 7:7E-7.2(g)).



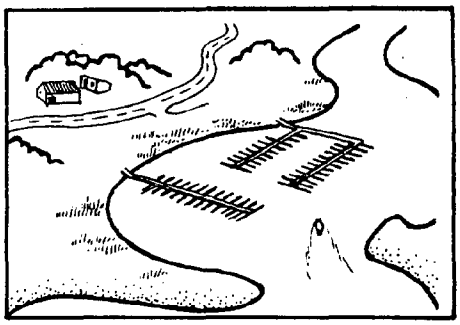
Buildings and other types of development that do not require access to water should be located inland of the coastline. Locating such development inland will keep coastal areas available for more appropriate water-related uses.



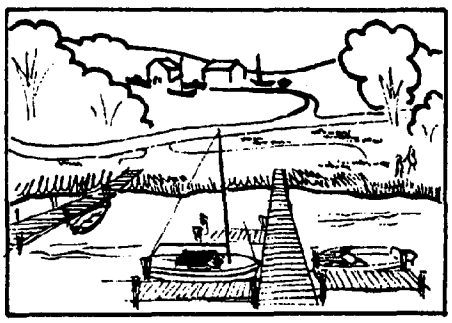
Boat Ramps, Docks and Piers, and Bridges in tidal waters and wetlands should be built so that water circulation is not blocked or impeded. Bridges are more desirable than culverts; pile-supported causeways across marshes and tideflats preserve natural habitat and are less disruptive than solid fill (N.J.A.C. 7:7E-4.10 (b), (c) and (m)).



Marinas should be located in areas with steep banks and good water circulation that provide wave and storm protection in many cases. The natural shoreline can be largely preserved by placing boat slips farther out into the water and connecting them to the shore with wharves. This will reduce expensive dredging and bulkheading, and will preserve the shoreline for recreation and wildlife. (N.J.A.C. 7:7E-7.3 (d)). It also reduces wave action in the marina due to wave reflection off the bulkhead. The Marina Development Guide (available from the Division in July 1982) will provide further guidance to marina developers.



Support facilities for marinas, including buildings and storage areas, should be located inland. Locating these facilities on the shoreline preempts valuable open space, pollutes surrounding waters with storm runoff, and greatly increases the probability of serious storm damage.



Harmonizing with the Landscape

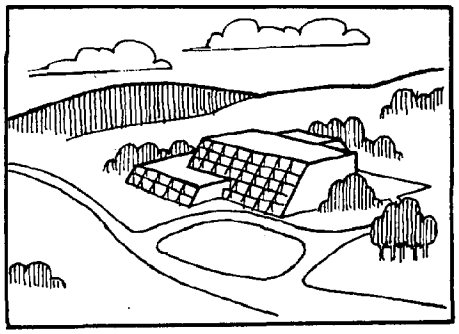
Buildings should be designed to blend with their natural surroundings rather than spoil them. Instead of ignoring or dominating the landscape, large structures should harmonize with the area's Scenic Resources. Use of appropriate building materials and skillful landscaping will make new buildings less obtrusive (N.J.A.C. 7:7E-8.14).

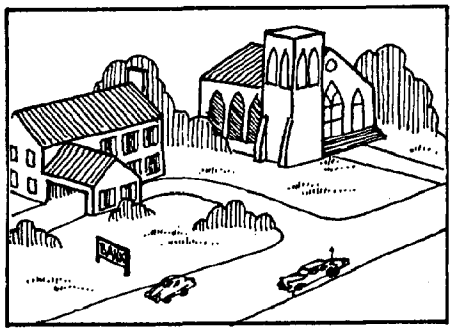
The use of a site should be compatible with other land uses in the area. A commercial development that could be an asset in the right location may be a nuisance and an eyesore if improperly sited. Buffers may mitigate the adverse impacts of development (N.J.A.C. 7:7E-8.15).

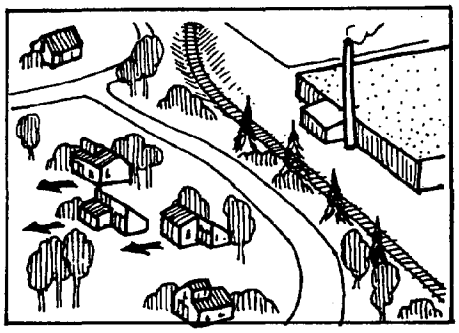
In addition to screening homes from undesirable views, subdivisions can be planned so that houses face away from unsightly buildings, roads, and parking lots, and take advantage of natural and open space areas. Trees and undergrowth can be thinned to open up distant vistas without stripping the site of vegetation and causing Soil Erosion (N.J.A.C. 7:7E-8.8).

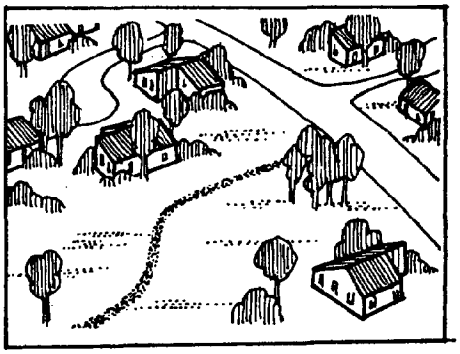
Maintaining portions of a site as open space has many advantages: privacy is improved through separation of buildings or groups of dwellings; car and play areas are separated for greater safety; the value and aesthetic quality of the development are improved. In addition, biologically valuable areas such as wetlands can be preserved, and buildings can be concentrated in areas best suited for them to provide Compatibility of Uses (N.J.A.C. 7:7E-8.15).

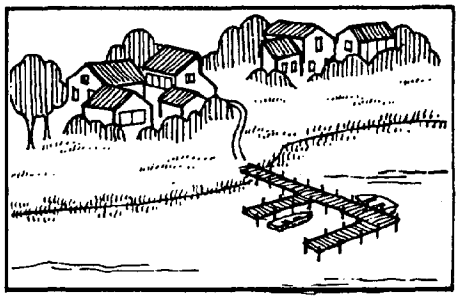
The natural quality and attractiveness of the coastline can be destroyed by improper development. Heavy development of the immediate waterfront causes most vegetation to be stripped away and increases danger of pollution from septic systems. Cluster Develpment is encouraged because it reduces the impact of construction on soils, open space, vegetation, and aquifer recharge resources (N.J.A.C. 7:7E-7.2 (c)).





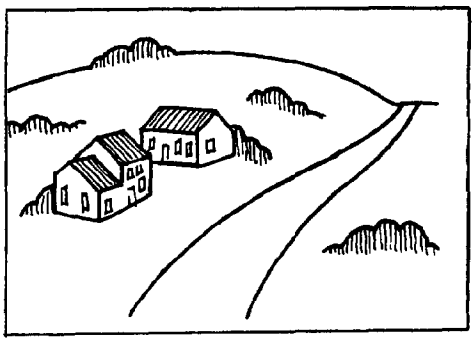




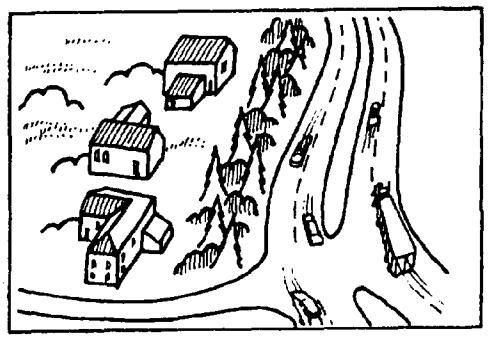


Subdivision Design

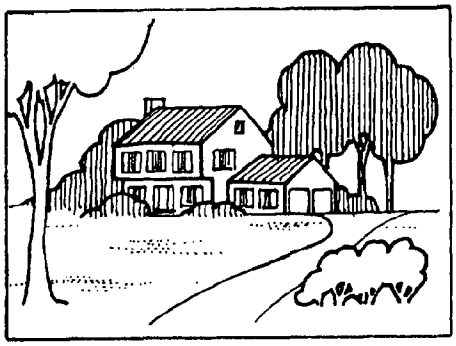
Roads should follow the contours of the site rather than run against them. Roads built straight up and down hill require more grading, are more expensive, need more maintenance, and may increase erosion problems. A carefully-planned circulation pattern is preferable to a monotonous grid system, since it may prevent Traffic congestion and preserve the natural assets of the site (N.J.A.C. 7:7E-8.19).



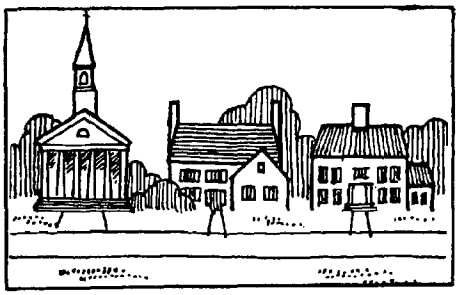
Residential areas should be separated from major highways, commerial areas, or factories by Buffers. Existing or planted vegetation (especially evergreens) and bulldozed earthen berms can effectively increase privacy and reduce noise reaching the development (N.J.A.C. 7:7E-8.15).



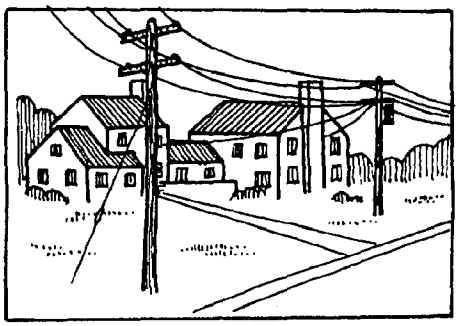
In developing a site, as much existing Vegetation as possible should be preserved. Stripping an area of trees decreases its value and reduces its visual quality. When planting new vegetation, it is best to use native species, since they are generally hardier and better suited to the site than ornamental and exotic plants (N.J.A.C. 7:7E-8.9).



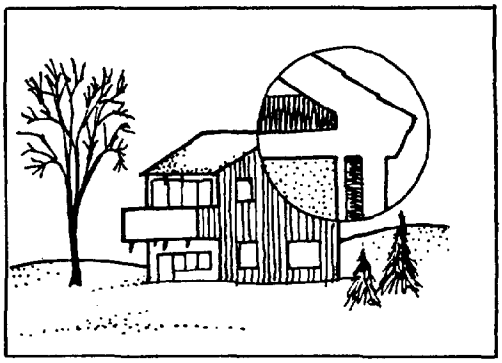
Improper scale and architectural style of buildings can visually spoil an entire street or neighborhood. The height, building materials, setback from the street, and landscaping of new buildings should harmonize with neighboring structures. Buildings should not compete with nearby visual attractions such as churches and Historic and Archaeological Resources (N.J.A.C. 7:7E-3.35).



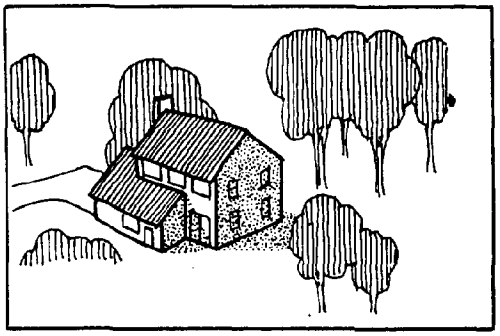
Buildings, signs, and parking areas should not block vistas from roads and other public areas. Pleasing views can be maintained by placing Overhead Transmission Lines underground, landscaping to prevent vegetation from obscuring the view, and locating buildings below or to one side of the line of sight (N.J.A.C. 7:7E4.10(o)).



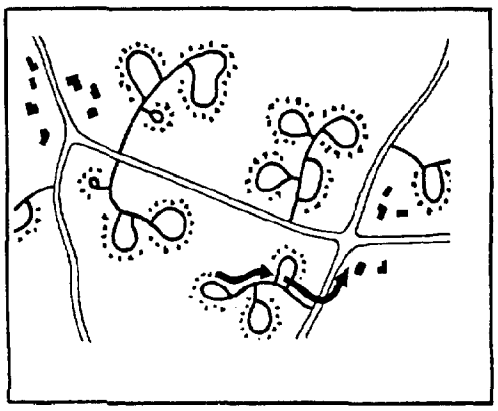
Energy Conservation



Energy Conservation techniques such as increasing insulation in walls and ceilings can substantially reduce heating costs regardless of the type of heating system used. Increasing insulation in walls from 4 to 9 inches and in ceilings from 3 to 6 inches can lower heat loss on a cold day by roughly 30 percent. Reducing air leaks around doors and windows also reduces heat loss (N.J.A.C. 7:7E-8.17).



The location and exposure of buildings can have a major effect on energy consumption. Houses on exposed, windy sites will require more energy to heat than buildings in more sheltered areas. Large windows on northern walls will increase winter heat loss. Roof overhangs on south-facing walls with large windows can be designed so that sunlight enters the house in the winter and is largely blocked in the summer. DEP's Energy Conservation Guidelines (available in July, 1982) will contain techniques for complying with the Energy Conservation Policy.



Widely dispersed residential development causes energy to be wasted in frequent and lengthy automobile trips. Wisely planning Housing and Transportation by increasing density of development through clustering and locating subdivisions, schools, shopping areas and employment centers near each other reduces gasoline consumption and makes possible the use of alternative forms of transportation (N.J.A.C. 7:7E-7.2(f)).

CHAPTER FIVE
WHAT IF MY APPLICATION IS DENIED?

Conflict Resolution - Appeals

All permit decisions made under the New Jersey Coastal Management Program can be appealed administratively. By law, a CAFRA permit decision can be appealed by any interested person within 21 days of the final Division of Coastal Resources action to a Coastal Area Review Board composed of the Commissioners of Environmental Protection, Community Affairs, and Labor. By regulation, it may also be appealed to the Commissioner of DEP within 21 days of publication of the decision in the DEP Bulletin. The decision of the Commissioner or of the Review Board can be further appealed through the courts. Wetlands and Waterfront Development permit decisions can be appealed to the DEP Commissioner within 10 days, and then to the courts.

If a proposal requires approval under several laws with different sets of criteria, the applicant will have to meet them all. A project subject to a coastal permit, which is encouraged by the plans or actions of another agency, cannot be constructed unless it has received the required coastal permit. At the same time, a project which conforms with all the Coastal Resource and Development Policies cannot be constructed until the applicant receives all other required State, Federal, county and municipal approvals.

If your Tidelands conveyance is denied by the Tidelands Resource Council, you may request that the Council reconsider its decision. There is no automatic right of appeal.

If your permit application is denied "without prejudice" (as most are), you may submit a subsequent application for the same project on the same site within one year of the date of disapproval without paying additional fees. A denial with prejudice is a final disapproval of the application. If you reapply, you must submit the appropriate fees.

Enforcement Procedures

DEP has established procedures for enforcing permit requirements and conditions. The Bureau of Coastal Enforcement and Field Services inspects a project site after a permit has been issued to ensure that development activity is in accordance with the permit's requirements and conditions. The Bureau also routinely inspects the coastal zone for illegal development.

State law provides severe penalities for violation of laws and regulations. You can be required to remove any structure for which a necessary permit or license was not obtained, and to restore illegally altered sites to their original condition at your own expense.

CHAPTER SIX
HOW DO I OBTAIN MORE INFORMATION AND ASSISTANCE?

DIVISION OF COASTAL RESOURCES OFFICES

In Monmouth and Ocean Counties, Old Bridge Township in Middlesex County, Washington Township in Burlington County or Bass River Township in Burlington County

a. To determine the need for a coastal permit, contact:

Bureau of Coastal Enforcement and Field Services
North Shore Region
1433 Hooper Avenue
Toms River, New Jersey 08753
(201) 341-3977

b. To arrange a pre-application conference conference, or to apply for a coastal permit, contact:

Bureau of Coastal Project Review
North Shore Region
CN 401
Trenton, New Jersey 08625
(609) 292-0062

In Atlantic, Cape May, or Cumberland Counties and Salem County south of Pennsville,

a. To determine the need for a coastal permit, contact:

Bureau of Coastal Enforcement and Field Services
South Shore Region
P.O. Box 188
Pomona, New Jersey 08240
(609) 652-0004

b. To arrange a pre-application conference, or to apply for a coastal permit, contact:

Bureau of Coastal Project Review
South Shore Region
CN 401
Trenton, New Jersey 08625
(609) 292-0061

In all other coastal areas,

a. To determine the need of coastal permit, contact:

Bureau of Coastal Enforcement and Field Services
Waterfront Region
CN 401
Trenton, New Jersey 08625
(609) 292-8203

b. To arrange a pre-application conference, or to apply for a coastal permit, contact:

Bureau of Coastal Project Review
Waterfront Region
CN 401
Trenton, New Jersey 08625
(609) 292-2895

To determine Tidelands ownership or to apply for a Tidelands grant, lease, or license, contact:

Bureau of Tidelands
CN 401
Trenton, New Jersey 08625
(609) 292-2573

For information concerning the Coastal Management Program in general, the Local Coastal Grant Program, the Shore Protection Master Plan, or the Federal Coastal Zone Management Act, contact the

Bureau of Coastal Planning and Development
CN 401
Trenton, New Jersey 08625
(609) 292-9762

Division of Coastal Resources Publications

The following publications provide additional information:

1. Rules on Coastal Resource and Development Policies (June, 1981).

2. Summary of the New Jersey Coastal Management Program (1981).

3. Marina Development Guide (available July, 1982).

4. Guidelines for Implementing the Energy Conservation Policy (available June, 1982).

All are available from the
Coastal Information Center
Division of Coastal Resources
CN 401
Trenton, N.J. 08625
(609) 292-9760

APPENDIX
THE NEW JERSEY COASTAL MANAGEMENT PROGRAM

History of the Coastal Management Program

On September 29, 1980, the National Oceanic and Atmospheric Administration (NOAA) determined that New Jersey had coastal policies and management authority sufficient to justify Federal approval for its Coastal Management Program. NOAA had already approved New Jersey's Coastal Management Program for the Bay and Ocean Shore Segment of the Coastal Zone in September, 1978. The New Jersey Coastal Management Program is the final product in the State's history of managing the coast.

New Jersey's interest in its coast predates the American Revolution, for under English Common Law tidal waters and the lands thereunder belonged to the Sovereign for the common use of all the people. The public interest in the State's tidelands (also called riparian lands) is protected by the Tidelands Resource Council, a group of 12 citizens appointed by the Governor, which is assisted in its work by DEP's Bureau of Tidelands.

The current structure of regulatory laws by which the DEP manages the coastal zone was begun in 1914, when the State Legislature passed the Waterfront Development Law (N.J.S.A. 12:5-3). The law requires that prospective waterfront developers obtain State approval for all plans for development on any tidal waterfront.

The Hackensack Meadowlands Reclamation and Development Act (N.J.S.A. 13:17-1 et seq.) was enacted in 1969. This Act was intended to ensure the orderly development of the Meadowlands District by creating a Commission, providing it with the authority to regulate all forms of development within the District, and instructing it to develop a master plan for the 31 square mile District.

In 1970, the Wetlands Act (N.J.S.A. 13:9A-1 et seq.) took effect, administered by the newly created Department of Environmental Protection. This Act required DEP to inventory, map, and regulate development activities in all coastal wetlands from the Raritan River Basin southward.

The next major legislative advance in coastal zone management occurred in 1973 when the State passed the Coastal Area Facility Review Act (CAFRA, N.J.S.A. 13:19-1 et seq.), giving DEP authority to regulate major development in the Bay and Ocean Shore Segment of the coastal zone. The Act was intended to preserve environmentally sensitive sites and ensure a rational pattern of development.

In 1972, the U.S. Congress passed the Federal Coastal Zone Management Act, declaring a national interest in the effective management, beneficial use, protection and development of the coastal zone, and encouraging and assisting the states with funding to develop and implement management programs to achieve wise use of the land and water resources of the coastal zone. In response to this Federal initiative, the State worked from 1974 until 1980 to prepare, and obtain Federal approval for, a statewide Coastal Management Program.

One major part of the New Jersey Coastal Management Program is a comprehensive set of Coastal Resource and Development Policies now used by the Department to ensure consistent and predictable permit decision-making in the coastal zone. These policies include Location Policies to guide development toward the most appropriate, least environmentally sensitive sites; Use Policies to assure that a proposed use is appropriate for a site; and Resource Policies which establish performance standards to protect coastal resources.

In September, 1980, DEP, for the first time, promulgated rules defining the geographic scope of its jurisdiction under the Waterfront Development Law. DEP also designated the Hackensack Madowlands Development Commission as the lead coastal management agency for the Hackensack Meadowlands District and adopted the Commission's Master Plan as part of the Coastal Management Program.

The State Pinelands Area, created by the Pinelands Protection Act in 1979, overlaps the coastal zone in the Mullica River Watershed. In this area, coastal permits and approval from the Pinelands Commission are required for new development. The Pinelands National Reserve, created by the Federal National Parks and Recreation Act of 1978, overlaps the coastal zone in parts of Atlantic, Burlington, Cape May, and Ocean Counties. In December 1980, DEP determined that the Coastal Management Program is basically consistent with the objectives of both the State and federal Pinelands Acts.

What is the Coastal Management Program?

The center of the New Jersey Coastal Management Program is the regulatory activity of DEP's Division of Coastal Resources under the Waterfront Development Law, the Wetlands Act, and the Coastal Area Facility Review Act. Decisions are guided by a comprehensive set of Rules on Coastal Resource and Development Policies (N.J.A.C. 7:7E-1.1 et seq.). The Rules also guide staff recommendations to the Tidelands Resource Council concerning grants, leases and licenses for State-owned tidelands.

Besides having a regulatory function to prevent inappropriate coastal development, DEP, under the Coastal Management Program, seeks to stimulate wise development of the coast through its Local Coastal Grant Program. Under this program, DEP has passed through up to 10 percent of its Federal grants to local governments for planning and feasibility studies. Studies have been completed or are underway for development of waterfront parks and walkways, waterfront business district revitalization, dune restoration, and location of fish processing facilities.

DEP also uses the Coastal Resource and Development Policies of the Coastal Management Program as guidelines for the following actions:

(1) determination of whether Federal activities are consistent with New Jersey's Coastal Management Program,

(2) review of DEP financial assistance to local governments,

(3) review of DEP management actions affecting the coast, and

(4) review of DEP planning actions affecting the coast.

DEP will continue to involve coastal residents, workers and visitors in planning for the future of the coastal zone. This involvement takes several forms including listing all pending applications in the DEP Bulletin and publishing The Jersey Coast several times each year to inform interested people of future public meetings, available reports, and coastal planning and regulatory activities. Substantive changes in the Coastal Management Program and its policies will be subject to the notice and hearing requirements of both the Federal and State rule-making process.

The Coastal Zone

New Jersey's coastal zone extends from the New York border south to Cape May Point and then north to Trenton. It encompasses the waters and waterfronts of the Hudson River, Hackensack River, Passaic River, Raritan River and related tidal water bodies south to the Raritan Bay, the Atlantic Ocean and related back bay systems, Delaware Bay and adjacent shorelands, and the waterfront of the Delaware River and related tributaries.

The coastal zone encompasses all areas in which the State, through DEP's Division of Coastal Resources or the Hackensack Meadowlands Development Commission, has regulatory authority under the Coastal Area Facility Review Act (CAFRA), the Wetlands Act, the Waterfront Development Law, or Tidelands statutes, or the Hackensack Meadowlands Reclamation and Development Act (see Figure 1).

What is the Division of Coastal Resources?

The Division of Coastal Resources is the branch of DEP with responsibility for implementing the Coastal Management Program. DEP's Division of Coastal Resources is made up of an Office of Administration and five bureaus: the Bureaus of Coastal Project Review, Coastal Planning and Development, Coastal Enforcement and Field Services, Tidelands, and Coastal Engineering.

Coastal Project Review

The Bureau of Coastal Project Review reviews all permit applications to assure compliance with the Waterfront Development Law, Coastal Area Facility Review Act, and Wetlands Act. Projects are reviewed for a wide variety of environmental, social, and economic impacts and must be consistent with the Coastal Resource and Development Policies of the New Jersey Coastal Management Program.

Coastal Planning and Development

The Bureau of Coastal Planning and Development serves as a planning and management agency which refines and updates the Coastal Management Program. The Bureau administers studies which will lead to improvements in coastal policies, determines whether federal activities affecting the coastal zone are consistent with the Coastal Management Program, administers the Local Coastal Grant Program, and provides planning support for the other four bureaus of the Division.

Coastal Enforcement and Field Services

The Bureau of Coastal Enforcement and Field Services provides an inspection team to support the functions of the Bureaus of Tidelands and Coastal Project Review. This Bureau inspects for illegal development, enforces permit decisions, and assists potential permit applicants. During 1981, the Bureau conducted over 700 inspections and reinspections of construction sites where a permit had not been obtained prior to development. 174 violations were detected. Also during 1981, the Bureau inspected 1,540 coastal sites for which permits were obtained. Thirty-nine violations of approved permits were detected for an annual total of 213 violations. During 1981, 218 violations, including backlogged cases, were resolved, 152 by application and 66 by removing the violation.

The Bureau is responsible for determining if a particular project will require a permit and aids applicants in revising those portions of a project that are inconsistent with coastal policies. Over 1500 such determinations and inspections were made in 1981.

Tidelands

The Bureau of Tidelands serves as staff to the Tidelands Resource Council and reviews all applications for grants, leases and licenses of State-owned tidelands.

In the event that a site proposed for development includes State-owned tidelands for which no Tidelands conveyance has been issued, the applicant must apply to the Tidelands Resource Council for a grant, lease or license as well as applying for the required coastal permit.

Coastal Engineering

The Bureau of Coastal Engineering plans and designs shore protection projects and conducts waterway dredging and maintenance and oversees implementation of the State's Shore Protection Master Plan.

Let's protect our earth

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION