

RULE ADOPTIONS

CHILDREN AND FAMILIES

(a)

COMMISSIONER

Organization of the Department of Children and Families

Adopted New Rules: N.J.A.C. 3A:1

Adopted: May 6, 2016, by Allison Blake, Ph.D., L.S.W.,

Commissioner, Department of Children and Families.

Filed: September 16, 2016, as R.2016 d.126, without change.

Authority: N.J.S.A. 9:3A-7.f, 52:14B-3(a), and 52:14B-4(b).

Effective Date: September 16, 2016.

Expiration Date: September 16, 2023.

Summary

The Department of Children and Families (Department) was created by the Department of Children and Families Act, N.J.S.A. 9:3A-1 et seq., effective July 1, 2006. This act transferred all functions, powers, and duties of the Office of Children's Services in the Department of Human Services to the newly created Department of Children and Families. As a new department of State government, the Department of Children and Families is required by statute, N.J.S.A. 52:14B-3 and 4, to promulgate organizational rules.

The adoption of this rule marks the first chapter in the Department's new and separate title of the New Jersey Administrative Code, Title 3A. Published in a future issue of the New Jersey Register is proposed new N.J.A.C. 3A:2, Rulemaking Procedures.

The Department of Children and Families' rules, currently published as part of the Department of Human Services' Title 10, will migrate from Title 10 to Title 3A in the near future.

Federal Standards Statement

The adopted new rules are not subject to any Federal statutes, requirements, or standards. Therefore, a Federal standards analysis is not required.

Full text of the adopted new rules follows:

CHAPTER 1

ORGANIZATION OF THE DEPARTMENT OF CHILDREN AND FAMILIES

SUBCHAPTER 1. ORGANIZATION

3A:1-1.1 Mission of the Department

The mission of the Department is to ensure the safety, well-being, and success of children and families in partnership with New Jersey's communities.

3A:1-1.2 Description of the Department

(a) The Department of Children and Families consists of the following divisions and offices:

1. Division of Child Protection and Permanency;
2. Division of Children's System of Care;
3. Division of Family and Community Partnerships;
4. Division on Women;
5. Office of Adolescent Services;
6. Office of Advocacy;
7. Office of Education;
8. Office of Licensing; and
9. Institutional Abuse Investigation Unit.

(b) The Department provides services to clients directly through its own staff, through contracts with various social service agencies, and by referrals to other social service agencies.

(c) In addition to the offices and units listed in (a) above, the Department also has various administrative units.

3A:1-1.3 Communication with the Department

(a) Any person shall report a suspected abused or neglected child to the Department's State Central Registry at 1-877-NJABUSE (1-877-652-2873).

(b) Any person can obtain information about the Department and its services at: www.nj.gov/DCF.

(c) Any person can receive program and funding updates by enrolling in the Department's mailing list at: www.nj.gov/DCF/contact/maillinglist.html.

(d) Any person can request information or make submissions to the Department by:

1. E-mailing the Department at: askdcf@dcf.state.nj.us;

2. Writing to:

Department of Children and Families

PO Box 717

Trenton, New Jersey 08625; or

3. Telephoning the Department at 1-877-543-7864 Monday through Friday from 8:30 A.M. to 4:30 P.M., excepting State holidays.

COMMUNITY AFFAIRS

(b)

DIVISION OF FIRE SAFETY

Notice of Readoption

Fire Service Resource Emergency Deployment

Readoption: N.J.A.C. 5:75A

Authority: N.J.S.A. 52:14E-20.

Authorized By: William Kramer, Jr., Acting Director, Division of Fire Safety.

Effective Date: September 19, 2016.

New Expiration Date: September 19, 2023.

Take notice that, pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 5:75A will expire on October 19, 2016. These rules establish a program designed to coordinate the use of fire services throughout the State, and to facilitate quick and efficient responses to emergency incidents or situations.

Under these rules, adopted pursuant to the provisions of the Fire Service Resource Emergency Deployment Act, P.L. 2003, c. 28, the Division of Fire Safety has established procedures to coordinate the use of fire services resources throughout the State. The rules are intended to facilitate quick and efficient responses to emergency incidents or situations where municipal fire departments and forces require outside assistance when protecting life and property from the danger or destruction of fire, explosion, or other disasters. The rules require local and county fire mutual aid planning, establish procedures for fire-related emergency and disaster incidents, and allow for coordinating fire service resources, and specify the powers of the State and regional fire coordinators. Additionally, the rules provide for the appointment of county, deputy county, regional, and deputy State fire coordinators and provide for coordination with the State Forest Fire Service in the Department of Environmental Protection. Finally, the rules create a mechanism for enforcing orders of the State Fire Coordinator and establishes penalties for violating the same.

The Department of Community Affairs has reviewed the rules and has determined that they should be readopted without amendment.

The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

ENVIRONMENTAL PROTECTION

(a)

LAND USE MANAGEMENT

Coastal Zone Management

Coastal Wetlands Maps

Adopted Amendment: N.J.A.C. 7:7 Appendix D

Proposed: April 6, 2015, at 47 N.J.R. 683(a).

Notice of Proposed Substantial Changes upon Adoption to

Proposed Amendment: April 4, 2016, at 48 N.J.R. 543(a).

Adopted: September 16, 2016, by Bob Martin, Commissioner, Department of Environmental Protection.

Filed: September 20, 2016, as R.2016 d.136, with substantial changes to proposal after additional notice and public comment, pursuant to N.J.S.A. 52:14B-4.10.

Authority: N.J.S.A. 12:3-1 et seq., 12:5-3, 13:1D-1 et seq., 13:9A-1 et seq., and 13:19-1 et seq.

DEP Docket Number: 02-15-03.

Effective Date: October 17, 2016.

Expiration Date: November 14, 2021.

The Department of Environmental Protection (Department) is adopting amendments to boundaries reflected on coastal wetlands maps applicable to the Holgate section of Long Beach Township, Ocean County, promulgated under and listed in the Coastal Zone Management (CZM) Rules, N.J.A.C. 7:7. Since the original proposal of these amendments on April 6, 2015 at 47 N.J.R. 683(a) as amendments to the Coastal Permit Program rules, the Coastal Permit Program rules and the Coastal Zone Management Rules were consolidated and amended. As part of that rulemaking, the list of coastal wetlands maps, formerly codified at N.J.A.C. 7:7-2.2(c), was recodified as N.J.A.C. 7:7, Appendix D in the consolidated Coastal Zone Management Rules (47 N.J.R. 1392(a)). This adoption reflects the Department's determination of the current extent of coastal wetlands reflected on Coastal Wetlands Maps 252-2112 and 259-2112. As a result of this adoption, 1.15 acres previously mapped as coastal wetlands are now classified as uplands and 0.78 acres previously mapped as uplands are now mapped as coastal wetlands on Coastal Wetlands Maps 252-2112 and 259-2112.

As indicated above, on April 6, 2015, the Department proposed amendments to coastal wetlands maps applicable to the Holgate section of Long Beach Township following a petition for rulemaking. The proposed amendment impacted wetlands mapping of six parcels; four covered by the petition for rulemaking and two other parcels containing coastal wetlands reflected on the coastal wetlands maps that were analyzed as part of the review of the petition for rulemaking. On April 4, 2016, the Department published a notice of proposed substantial changes upon adoption to the proposed amendments in response to a comment received during the comment period on the original notice of proposal concerning the accuracy of the revised coastal wetlands boundary proposed on Block 1.61, Lot 1 (see 48 N.J.R. 543(a)). Through the notice of substantial changes, the Department proposed to adjust the coastal wetlands boundary on this property, as reflected on Coastal Wetlands Map 252-2112, based on information presented by the property owner and a site inspection conducted by the Department on September 1, 2015.

The Department is adopting the amendments proposed on April 6, 2015, as modified through the April 4, 2016 notice of substantial changes.

Summary of Hearing Officer's Recommendation and Agency

Response:

The Department held a public hearing on the notice of proposal on Thursday, May 7, 2015, at the Long Beach Township Municipal Building, Brant Beach, Ocean County. Ms. Virginia Kop'kash, Assistant Commissioner, Land Use Management, was the hearing officer for this public hearing. Nine persons provided oral comments at this public hearing.

The Department held a public hearing on the notice of substantial changes on Wednesday, May 18, 2016, at the Long Beach Township Municipal Building, Brant Beach, Ocean County. Ms. Kimberly Springer, Coastal Rule Manager, Office of Policy Implementation, was the hearing officer for this public hearing. Ten persons provided oral comments at this public hearing.

The hearing officers recommended that the amendments to Coastal Wetlands Maps 252-2112 and 259-2112 be adopted with the change described in the notice of substantial changes upon adoption. The Department accepts the recommendation. The hearing records are available for inspection in accordance with applicable law by contacting:

Office of Legal Affairs

Attention: DEP Docket No. 02-15-03

Department of Environmental Protection

401 East State Street, 7th floor

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PO Box 402

Trenton, NJ 08625-0402

This adoption document can be reviewed or downloaded from the Department's website at www.nj.gov/dep/rules.

Summary of Public Comments and Agency Responses:

The original notice of proposal was published on the April 6, 2015. The comments received during the 60-day comment period (which closed on June 5, 2015) are summarized below, grouped in separate sections depending on whether or not the comment prompted a modification to the original notice of proposal in the notice of substantial changes discussion above.

Comment Received During Initial Comment Period Giving Rise to a Notice of Substantial Changes upon Adoption

One comment was received on the original proposal from John M. Van Dalen, Esq. of Van Dalen Brower, L.L.C., submitted on behalf of Susan and Mark Shapiro, prompting the Department to publish the notice of substantial changes upon adoption referenced above. The comment and the Department's response follows.

1. COMMENT: The Department's delineation on Block 1.61, Lot 1 (Shapiro property) is too broad and overstates the area of wetlands. In reality, there are two "prongs" of wetlands with a distinct area of uplands in between. It is agreed that the area of wetlands is larger than what is currently mapped, but the line being expanded to merge those two "prongs" into a contiguous area of wetlands is opposed. The commenter submitted materials to demonstrate the extent of wetlands on the property. The materials submitted were: photographs; a plan prepared by Horn, Tyson, & Yoder, Engineers-Surveyors-Scientists last revised October 7, 2011; data sheets from the 2011 delineation performed by Taylor, Wiseman & Taylor; data sheets from the verification of the 2011 wetlands delineation performed by EcolSciences, Inc. in 2015; photographs from the 2015 site visit that produced the data sheets; and a letter from the senior vice president of EcolSciences, Inc. confirming the accuracy of Horn, Tyson, & Yoder's delineation.

RESPONSE: The April 6, 2015, proposed coastal wetlands boundary change followed from the Department's grant of a petition for rulemaking from Kevin J. Coakley, Esq., on behalf of Mark Davies Builders & Developers LLC, David Collins and Esther Tessel Collins, Kim Lambert, and Michelle Forte (petitioners) (46 N.J.R. 2199(b); November 3, 2014). The petition requested that the Department amend Coastal Wetlands Maps 252-2112 and 259-2112 to exclude an approximate 2.2-acre portion of property designated as Block 1.63, Lot 1; Block 1.64, Lot 1; Block 1.66, Lot 1; Block 1.68,