

## **ATTACHMENT A ENFORCEMENT MECHANISM**

The Coastal Zone Management rules represent the State's substantive standards for the use and development of resources in New Jersey's coastal zone. These rules are used to review permit applications submitted under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., and the Waterfront Development Law, N.J.S.A. 12:5-3. The rules are also a basis for making recommendations to the Tidelands Resource Council on applications for Tidelands Instruments, and are applied in other Department decision-making pursuant to N.J.A.C. 7:7E-1.2.

The authority for the Coastal Zone Management rules is founded in the following statutes:

**N.J.S.A. 12:5-3, Waterfront Development Law:** This Law authorizes the Department to regulate the construction or alteration of a dock, wharf, pier, bulkhead, bridge, pipeline, cable or other similar development on or adjacent to tidal waterways throughout the state. Outside of the CAFRA area and Hackensack Meadowlands District, the Law applies in upland areas adjacent to tidal waters extending from the mean high water line to the first paved public road, railroad or surveyable property line. Upland jurisdiction extends from the mean high water line landward a minimum of 100 feet and not exceeding 500 feet. Within this area, construction, reconstruction, alteration, expansion or enlargement of any structure, or the excavation or filling of any area are subject to this Law.

**N.J.S.A. 13:9A-1 et seq., Wetlands Act of 1970:** This Act authorizes the Department to regulate activities on coastal wetlands that have been delineated and mapped by the Department. Examples of regulated activities include excavation, dredging, fill or placement of a structure on a mapped coastal wetland.

**N.J.S.A. 13:19-1 et seq., Coastal Area Facility Review Act (CAFRA):** CAFRA applies to projects near coastal waters in the southern part of the State. The CAFRA area begins where the Cheesequake Creek enters Raritan Bay in Old Bridge, Middlesex County. It extends south along the coast around Cape May, and then north along the Delaware Bay ending at Kilcohook National Wildlife Refuge in Salem County. The inland limit of the CAFRA area is an irregular line that follows public roads, railroad tracks, and other features. The width of the CAFRA area varies from a few thousand feet to nearly 17 miles. The law divides the CAFRA area into zones, and regulates different types and sizes of development in each zone. Regulated activities within the CAFRA area include a wide variety of residential, commercial, industrial\* or public development such as construction, relocation, and enlargement of buildings and structures; and associated work such as excavation, grading, site preparation and the installation of shore protection structures. \*Industrial development means a development that involves a manufacturing or industrial process, and shall include, but is not limited to, electric power production, food and food byproduct processing, paper production, agri-chemical

production, chemical processes, storage facilities, metallurgical processes, mining and excavation processes, and processes using mineral products.

**N.J.S.A. 13:1D-9, Powers of the Department:** This statute provides that the Department shall formulate comprehensive policies for the conservation of the natural resources of the State, the promotion of environmental protection and the prevention of pollution of the environment of the State.

**N.J.S.A. 13:1D-29 et seq., Ninety-Day Construction Law:** This Chapter establishes application submission requirements, public notice requirements, fees and review procedures for permit applications submitted to the Department under the Waterfront Development Law, N.J.S.A. 12:5-3, Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq. and Flood Hazard Area Control Act, N.J.S.A. 58:16A -1 et seq. as well as sewer extensions under the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.