

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Coastal Management Office

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

Take Notice that the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management has, by letter dated April 14, 2009, approved changes to New Jersey's Federally approved Coastal Management Program (see 41 N.J.R. 1272(b); March 16, 2009). The New Jersey Coastal Management Program has been changed to incorporate regulatory amendments to the Coastal Zone Management rules, N.J.A.C. 7:7E, specifically N.J.A.C. 7:7E-1.1, 1.5, 1.6, 1.8, 3.4 and 3.21 that were proposed on March 5, 2007 and adopted April 7, 2008. The adopted amendments reorganize and refine the purpose and scope of the Coastal Zone Management rules; update the goals of the Coastal Zone Management rules and New Jersey's Coastal Management Program; refine the definition of, and incorporate new digital mapping of prime fishing areas; and add the Shawcrest/Hildreth Island to the list of bay islands exempted from the bay island rule. Federal Consistency requirements of the Federal Coastal Zone Management Act apply to the approved provisions as of the date of publication of this notice.

Pursuant to the requirements of 15 CFR 923, changes to the Coastal Management Program must be approved by NOAA. On February 6, 2006 the Department submitted to NOAA a request for concurrence with the Department's determination that incorporation of the above listed regulations into New Jersey's Coastal Management Program constitutes a routine program change (see 41 N.J.R. 1272(b); March 16, 2009). Under 15 C.F.R. 923.84(a), changes to an approved coastal management program constitute Routine Program Change when they do not result in the kind of amendments of the state's Coastal Management Program that can be described as "substantial changes to enforceable policies or authorities related to: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and, (5) coordination, public involvement and national interest." NOAA requested comments on whether the change

should be considered a routine program change. No comments on the routine program change submission were received by NOAA.

NOAA has concurred with the Department’s determination that the following regulatory amendments that were proposed on March 5, 2007 and adopted on April 7, 2008, constitute a routine program change:

Name/Description of State regulation	Citation
ADDED:	
Purpose and scope - clarified the development of the Coastal Zone Management rules and their application in the coastal decision-making process	N.J.A.C. 7:7E-1.1(e)*
MODIFIED:	
Purpose and scope - minor corrections and clarifications	N.J.A.C. 7:7E-1.1(b)*
Purpose and scope - revised coastal goals and policies (recodified from N.J.A.C. 7:7E-1.5(a))	N.J.A.C. 7:7E-1.1(c)
Purpose and scope - clarified the development of the Coastal Zone Management rules and their application in the coastal decision-making process	N.J.A.C. 7:7E-1.1(d)*
CAFRA Findings (recodified from N.J.A.C. 7:7E-1.5(b))	N.J.A.C. 7:7E-1.5(a)
Mitigation- updated cross-reference to coastal goals	N.J.A.C. 7:7E-1.6(A)
Definitions – revised introduction language and added definition of footprint of development	N.J.A.C. 7:7E-1.8(a)
Prime fishing areas – refined definition of prime fishing area and updated the mapping of areas considered prime fishing areas	N.J.A.C. 7:7E-3.4(a)
Bay islands – added Shawcrest/Hildreth Island to the list of bay islands exempted from the rule	N.J.A.C. 7:7E-3.21(a)
DELETED:	
Purpose and scope – adoption of Coastal Zone Management rules as administrative rules increased predictability and ensured their enforceability	N.J.A.C. 7:7E-1.1(c)
CAFRA Findings - coastal decision making process and eight basic coastal policies	N.J.A.C. 7:7E-1.5(a)

* Paragraphs marked with an asterisk (*) are incorporated into the New Jersey Coastal Management Program, but do not contain enforceable policies that can be used for Federal Consistency.