



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

October 3, 2024

Mr. Nicholas Angarone
New Jersey Coastal Management Program
New Jersey Department of Environmental Protection
Office of Climate Resilience
44 South Clinton Avenue
P.O. Box 420, Mail Code 44-03
Trenton, NJ 08625-0420

Dear Mr. Angarone,

Thank you for the New Jersey Coastal Management Program's July 10, 2024 request for approval of changes to the administration of the NJ Coastal Management Program (NJ CMP) and the incorporation of Flood Hazard Area Control Act (N.J.S.A. 58:16A-50) and Flood Hazard Area Control Act Rules pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.

NOAA's Office for Coastal Management approves the request subject to the qualification below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.¹ The public notice should state that as of the date of this decision letter the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR part 930.² Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management did not receive any comments on this program change submission.

CHANGES APPROVED

See the attached Table of Approved Changes to the New Jersey Coastal Management Program.

¹ 15 CFR § 923.81(e)(5).

² 15 CFR § 923.81(f).

QUALIFICATIONS

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

Thank you for your cooperation in this review. Please contact Nelle D'Aversa at nelle.daversa@noaa.gov, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NJ-2024-1.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Gore', with a stylized, cursive flourish extending from the end.

Joelle Gore,
Chief Stewardship Division

Attachment: Table of Approved Changes (NJ-2024-1)

TABLE OF APPROVED CHANGES – NJ-2024-1

Please see the October 3, 2024, Office for Coastal Management decision letter for any clarifications, qualifications or exceptions that may apply to this decision.

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state <i>MM/DD/YYYY</i>	Enforceable policy <i>Yes or No</i>	Enforceable mechanism citation
N.J.S.A. 58:16A-50	Flood Hazard Area Control Act	New	01/31/1980	See the specific sections listed below	58:16A-63 Violations of act; remedies
58:16A-51	Definitions	New	01/31/1980	Yes	58:16A-63 Violations of act; remedies
58:16A-55.2	Structure or Alteration Within Area Subject To Inundation by 100 Year Design Flood of Nondelineated Stream; Approval; Conditions	New	01/31/1980	Yes	58:16A-63 Violations of act; remedies
58:16A.55.8	Hazardous Substances, Placing, Storing in Certain Flood Plains, Prohibited.	New	01/31/1980	Yes	58:16A-63 Violations of act; remedies
58:16A-60.1	Zero Net Fill Requirement in Flood Hazard Areas, Certain.	New	01/31/1980	Yes	58:16A-63 Violations of act; remedies
58:16A-67	Written Notice of Intent to Undertake a Project to Clean, Clear, Desnag Stream; Definitions	New	01/31/1980	Yes	58:16A-63 Violations of act; remedies
N.J.A.C. 7:13-1.1 <i>et seq.</i>	Flood Hazard Area Control Act Rules	New	October 2, 2007 Published on November 5, 2007	See the specific sections listed below	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-1.2	Definitions	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 2	Applicability and Activities for Which a Permit or Authorization Is Required	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 5	Verifications	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 6	General Provisions for Permits-By-Rule, General Permits-By-Certification, and General Permits	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 7	Permits-By-Rule	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement.
N.J.A.C. 7:13-Subchapter 8	General Permits-By-Certification	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 9	General Permits	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 10	Individual Permits	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 11	Area-Specific Requirements For Individual Perfits	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 12	Activity-Specific Requirements for Individual Permits	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 13	Riparian Zone Mitigation	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 14	Conservation Restrictions	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-Subchapter 15	Hardship Exception for an Individual Permit	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement

N.J.A.C. 7:13-Subchapter 16	Emergency Authorizations	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N.J.A.C. 7:13-22.2	Conditions That Apply To All Permits	New	October 2, 2007 Published on November 5, 2007	Yes	7:13-Subchapter 24 Enforcement
N/A	<p>Change In Administration of the Program</p> <p>The New Jersey Coastal Management Program (NJCMP) is now administered by the Office of Climate Resilience (OCR) in the Commissioner’s Office of NJDEP. The reorganization only modifies responsibility for oversight and management of the program and the annual Coastal Zone Management grant award provided to New Jersey from NOAA but does not modify the resources and responsibilities of the other topic-specific tasks for the program (wetlands, coastal hazards, public access, etc.).</p>	Revised	January 2024	No	