

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 October 1, 2009, approved changes to New Jersey's Federally approved Coastal Management Program. The approved changes incorporate the following into the New Jersey Coastal Management Program: the New Jersey Meadowlands Commission (NJMC) Master Plan adopted in 2004 (only certain strategies of Chapter 10 are considered enforceable policies); portions of subchapters 2, 3, 4, 5, 7, 8 and 9 of the New Jersey Meadowlands Commission District Zoning Regulations, N.J.A.C. 19:4, as amended through January 20, 2009; the November 9, 2005 Memorandum of Agreement (MOA) between the Department and NJMC; and regulatory amendments to the Coastal Zone Management rules regarding wetlands and the Hackensack Meadowlands District that were adopted on April 7, 2008. Federal Consistency requirements of the Federal Coastal Zone Management Act apply to the approved provisions as of the date of publication of this notice. For a more detailed summary of the approved changes to the New Jersey Coastal Management Program, see the Notice of Routine Program Change for Coastal Management Program, 41 N.J.R. 3324(b), September 8, 2009.

Pursuant to the requirements of 15 CFR 923, changes to the Coastal Management Program must be approved by NOAA. On September 1, 2009 the Department submitted to NOAA a request for concurrence with the Department's determination that incorporation of the above actions into New Jersey's Coastal Management Program constitutes a routine program change (see 41 N.J.R. 3324(b); September 8, 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 actions constitute a routine program change:

Name/Description of State regulation	Citation
ADDED:	
NJMC Master Plan	
*2004 NJMC Master Plan, except for the policies specified below	2004 NJMC Master Plan
System 1: Natural Environment, Strategies 1-3	2004 NJMC Master Plan Chapter 10
System 2: Economic Development, Strategies 2-4	2004 NJMC Master Plan Chapter 10
System 3: Transportation, Strategies 1-6	2004 NJMC Master Plan Chapter 10
System 4: Housing, Strategies 1-4	2004 NJMC Master Plan Chapter 10
System 5: Community Facilities, Strategies 2 and 3	2004 NJMC Master Plan Chapter 10
System 6: Historic Resources, Strategy 1	2004 NJMC Master Plan Chapter 10
NJMC District Zoning Regulations	
* Coastal Management	N.J.A.C. 19:4-3.7
Performance Standards-General Requirements	N.J.A.C. 19:4-7.1
Performance Standards-Applicability and enforcement	N.J.A.C. 19:4-7.2
Performance Standards-traffic	N.J.A.C. 19:4-7.10
Site Plan requirements-Landscaping	N.J.A.C. 19:4-8.9
Flood Plain Management	N.J.A.C. 19:4-9.2 through 9.4, 9.8, 9.9, 9.11, 9.14, through 9.16, and 9.19 through 9.26
Memorandum of Understanding	
MOA between NJDEP and NJMC	November 9, 2005 MOA, and 1980 Program Document and Final EIS, page 23
MODIFIED:	
NJMC District Zoning Regulations	
Intent and word usage	N.J.A.C. 19:4-2.1
Definitions	N.J.A.C. 19:4-2.2
Exemptions	N.J.A.C. 19:4-3.2

Severability	N.J.A.C. 19:4-4.22
Marinas	N.J.A.C. 19:4-5.5
Environmental Conservation zone	N.J.A.C. 19:4-5.8 through 5.12
Parks and recreation zone	N.J.A.C. 19:4-5.13 through 5.17
Waterfront recreation zone	N.J.A.C. 19:4-5.18 through 5.21 and 5.24
Performance standards-noise, vibration; airborne emissions; hazardous materials; liquids and chemicals; glare; radioactive materials; and wastewater	N.J.A.C. 19:4-7.3 through 7.9
Site Plan Requirements-General provisions, Drainage, Buffers, and Open Space	N.J.A.C. 19:4-8.1 and 8.6 through 8.8
Coastal Zone Management rules	
Wetlands	N.J.A.C. 7:7E-3.27
Hackensack Meadowlands District	N.J.A.C. 7:7E-3.45
DELETED:	
1970 Hackensack Meadowlands Comprehensive Land Use Plan	1970 Hackensack Meadowlands Comprehensive Land Use Plan
1972 District Zoning Regulations	N.J.A.C. 19:4
Description of the relationship between the NJDEP and NJMC	1980 Program Document and Final EIS, page 283

* 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.