



Compliance Alert

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Coastal & Land Use Enforcement #2022-09 Issued: 8/25/2022

GENERAL GUIDANCE FOR SEASONAL OR TEMPORARY STRUCTURES PLACED ON A BEACH BY A MUNICIPALITY

WHO IS AFFECTED BY THIS ALERT?

This guidance applies to all municipalities seeking to place seasonal or temporary structures related to the tourism industry on a beach or seeking to conduct beach and dune maintenance activities.

WHAT DO I NEED TO KNOW?

Seasonal or temporary structures related to the tourism industry are lifeguard stands and associated temporary storage containers for beach safety operation, picnic tables, benches, canopies, beach badge sheds, wooden platforms, stage platforms, garbage cans and portable restrooms (no utility hook up), which remain in place only during the period from May 1 through October 31. All seasonal or temporary structures must be capable of manual removal within 24 hours prior to any major storm event and must be removed seasonally no later than October 31 each year. If the structures meet the above description, their placement does not require NJDEP approval provided their placement does not involve the excavation, grading or filling of a beach or dune, and the structure location complies with any Federal Beach Management Plan and Storm Damage Reduction Easement.

The following do not meet the definition of seasonal or temporary structures related to the tourism industry and thus cannot be placed on the beach without a CAFRA permit from DEP (this list is not exhaustive): utility lines, buildings, cabanas, elevated dune walkovers, permanent structures, pilings, and beach and dune maintenance activities.

WHY IS NJDEP ADDRESSING THIS ISSUE?

NJDEP wants to ensure that, ahead of the 2023 summer season, all municipalities are aware of the types of activities that do not qualify for the exemption from CAFRA permitting for temporary seasonal structures related to the tourism industry. It is important that municipalities understand these are regulated activities on a beach or dune and require CAFRA permit approval from the Department's Division of Land Resource Protection (DLRP) for the protection of public health, safety and the environment pursuant to the Coastal Area Facilities Review Act (N.J.S.A. 13:19-1 et seq.) and the Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.).

- Failure to obtain a CAFRA permit for such regulated activities is a violation of the law and may result in enforcement action by NJDEP. Improper and unauthorized construction, shoreline armoring, excavation, grading, filling or vegetation removal on a beach or dune negatively impacts a natural or engineered beach and dune system, and/or can cause dangerous projectiles and costly repairs in the event of a storm, resulting in significant harm to the public and the environment.

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WHAT SHOULD I DO?

1. Obtain all required NJDEP land use permit(s) prior to conducting any regulated activity, including beach & dune maintenance or construction of structures that require excavation and grading of the beach.
2. Comply with all permit conditions- Do not begin regulated activities on the beach or dune until the required permit approvals are obtained and all pre-construction conditions of the permit have been met. Conditions may also include timing restrictions to protect threatened or endangered wildlife.
3. Complete any regulated construction or beach and dune maintenance in accordance with the approved permit plans. The work must be completed as depicted on the approved permit plans and comply with all permit conditions. No changes can be made to the approved plans without first obtaining the written approval via a permit modification or new permit from the Department's DLRP.
4. Contact the DEP Hotline at (877) WARN DEP or use the WARN NJDEP app to report possible violations of the State's land use laws.

WHO SHOULD I CONTACT WITH QUESTIONS?

Land Resource Protection Permit Guidance

Division of Land Resource Protection (609) 777-0454

Coastal & Land Use Compliance and Enforcement

Toms River Field Office (732) 255-0787

Atlantic, Cape May, Monmouth, Ocean

Trenton Field Office (609) 292-1240

Cumberland, Salem

WHERE CAN I GET MORE INFORMATION?

The following websites can be accessed for additional information and to view the applicable rules:

DEP Coastal & Land Use Compliance & Enforcement:

<https://www.nj.gov/dep/enforcement/clue.html>

DEP Land Resource Protection: <https://www.nj.gov/dep/landuse/>

DEP Office of Coastal Engineering: <https://www.nj.gov/dep/shoreprotection/>

For additional contact information at DEP visit: <https://www.nj.gov/cgi-bin/dep/contactdep.pl>

For a list of compliance advisories visit: <https://www.nj.gov/dep/enforcement/advisories-date.html>

To comment on this compliance advisory visit: <https://www.nj.gov/dep/enforcement/survey.html>

This advisory is intended to be a summary explanation of a DEP alert. It does not include all potentially applicable requirements. If you have any questions related to compliance with this alert, please contact the Enforcement number listed above.